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Individuated or Hermeneutic Selves? Interpreting Vocabularies and Subjectivities in the works of John Rawls and Charles Taylor

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Abstract

Developing a distinction between issues of anthropology and advocacy, an examination of John Rawls's theory of Justice as Fairness argues that the formulations of both *A Theory of Justice* (1971) and *Political Liberalism* (1993) are vulnerable to objections advanced by a range of commentators, notably including Michael J. Sandel. The so-called 'communitarian critique' of which Sandel is a leading exponent is primarily anthropological (i.e. concerned with philosophical issues related to the concept of self) and does not contain or determine the advocacy of any particular set of political principles or arrangements. Liberal analysts of 'communitarianism' typically confuse questions of anthropology and advocacy, and in consequence misunderstand the concerns of their critics.

An exposition and defence of Sandel's *Liberalism and the Limits of Justice* (1982) introduces themes of identity, reflection and intersubjectivity which are more thoroughly explored in the works of Charles Taylor, whose philosophical anthropology offers a fully developed alternative to Rawls's 'unencumbered self.' Taylor's conception of the self as a situated, dialogical and self-interpreting agent employs a interpretive or *hermeneutic* methodology that is assessed and found preferable on grounds of philosophical coherence and explanatory adequacy to Rawls's analytic approach. Hermeneutics is a diverse tradition of thought, and Taylor's position is distinguished from formulations, including that of Heidegger, that are susceptible to criticisms involving subjectivism, relativism and anti-humanism.

Taylor's philosophical anthropology supports a substantive advocacy position, emphasising the public recognition of identities and the deliberation of contested meanings. Outlined in the course of discussions of the concept of community, and of language and nationalism in Quebec, a substantive conception of politics is able to address issues involving identity, pluralism and multiculturalism more effectively than procedural and individualist alternatives, and also contributes significantly to debates in contemporary political philosophy concerning deliberation, democracy and difference.

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I have incurred many debts during the production of this essay. In particular, Dr. Judith Squires has been unfailingly patient, helpful and constructive in her advice, unsparingly reading and commenting on several drafts at times when it is inconceivable that she did not have much more important matters to attend to. Any merits possessed by the work are in large part attributable to her efforts.

Many of the issues considered in section three were discussed, indirectly but no less helpfully for that, during meetings of the Political Theory Reading Group at the University of Bristol between 1995 and 1997. Although I suspect that their reservations remain undiminished, the contributions of Mark Passera, Matt Crosby and Terrell Carver to these conversations were especially valuable. This is especially so in the case of Professor Carver, who also kindly read and commented upon the final manuscript. More generally, the Department of Politics and all of its staff provided a congenial and supportive working environment. The research was made financially possible by a scholarship from the Faculty of Social Sciences.

Earlier versions of various sections were presented at the Universities of Bristol (Ch. 1, Ch. 7 §§3-5), Staffordshire(Ch. 4 §§2-4), the West of England (Ch. 6 §3) and Ulster (Ch. 3 §4), and I have benefited greatly from the many comments and suggestions received on these occasions.

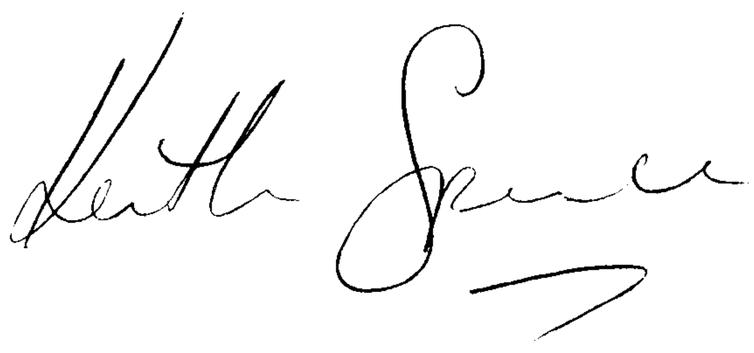
All remaining errors, misjudgements and infelicities are entirely my own responsibility.

I would finally like to thank for their enduring support both my family and Carolyn Edwards, to whom the essay is dedicated.

K.S. 9/97

Declaration

This essay is entirely the product of original research undertaken by the author. The opinions and judgements it contains do not represent the views of the University of Bristol or its Officers.



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CONTENTS

CHAPTER ONE

THEORISING THE SELF

[1] INTRODUCTION

CONTEMPORARY DEBATES BETWEEN PROPONENTS AND CRITICS of liberal political theory can be presented according to a range of schematic agendas, including but not limited to those of moral universalism and particularism, political individualism and collectivism, epistemological realism and anti-realism, and as developments of neo-Kantian and Hegelian philosophical positions. These areas of inquiry are not of course mutually exclusive, and are enframed by a more fundamental question central to virtually all social theory from Plato[1] onwards concerning the theorisation of self and society, and of the relationship obtaining between the two. Explicitly or otherwise, the development of any theory involving principles, institutions and forms of association depends for its intelligibility upon an understanding of the self, that is of the needs, attributes, behaviours, ends, etc., of those conceived within a scheme of human relations. Whether presented as a limited, abstract ideal of rationality, a delineation of the structure or purpose of an 'inner' or 'true' self as revealed by philosophical investigation, or as part of a political vision intended to reshape the contours of the self according to a particular ideal, the relationship between self and society emerges from close analysis as a simultaneously symbiotic and paradoxical one.

The dominant features of this paradox reside in the very idea of 'the self' as an object of study and can be simply stated. The self – of the philosopher as much as any other agent of cognition – is always located and conditioned by the social, cultural, historical and experiential environments in which he is located. It follows that the

1 Plato, *Republic*, trans. Robin Waterfield (Oxford, Oxford University Press, 1993), 368d-369a, 'morality can be a property of whole communities as well as individuals...why don't we start by trying to see what morality is like in communities? And then we can examine individuals too...'. The relationship of self and society is explored most explicitly in the taxonomy of social forms described at 543a-576b.

identification of fundamental truths in questions of ontology,[2] mind, spirit, psyche, subjectivity, etc., – the range of terms which encompass issues relating to the 'nature' of human experience and the category of the person – is constantly frustrated by the absence of adequate criteria of philosophical justification. Self and society are inextricably independent – each at least in part in part the creation of the other – and can be no more obviously separated and interrogated than, say, the abstract categories of 'mind' and 'body'. The question of self and society is in this sense parallel to that concerning the priority of 'nature' and 'nurture,' itself a problem of philosophy as well as sociology, natural history and the biological sciences. Furthermore, in the prevailing philosophical climate the more elementary possibility of the individuation and representation of concepts in language is also called into question by the demise of the 'epistemological tradition' insofar as that enquiry sought knowledge in the transparent linguistic representation of the world as an objective or independent order of concepts and entities.[3]

Without a plausible model of certitude and validation, hopes for the identification and justification of an undisputed method or model with which to address problems of the self are best considered (according to temperament) either forlorn or wildly optimistic. Even if such an advance did occur, given the absence of any remotely clear criteria according to which the 'problem' might be considered 'solved' it is far from obvious that it would be recognised as such. The ambiguity of the concept does not however diminish its significance; the self cannot be coherently eradicated from social theory because attempting to understand subjectivity is to a considerable extent what social theory, in all its diversity, is about. The question of the self so emerges as incorrigible but indispensable.

Fortunately, the lack of a ready formula sufficiently ingenious to identify 'the nature of the self' by no means leaves theory resourceless in the evaluation of possible conceptions and their presuppositions, strengths and vulnerabilities. It instead entails that these conjectures and interpretations should be regarded as provisional and incomplete contributions to a set of debates establishing and addressing the concept of self which are not susceptible to conclusive resolution or completion. In the course of these dialogues three overlapping areas of concern – engaging issues of methodology, context and language – are of particular importance in the evaluation of any particular conception.

The concept of self is typically theorised within (and through the extension of) sets of philosophical judgements and commitments concerning amongst other things: the

[2] Some difficulties involving the term 'ontology' are addressed in §3 below.

[3] Richard Rorty, *Philosophy and the Mirror of Nature* (Princeton, NJ., Princeton University Press, 1979). The gloss on Rorty's position here is consistent with abundant sound bites in his other works and interviews, most recently 'Is the truth out there?', Times Higher Education Supplement', 6 June 1997, 18, where the book is described by its author as 'just a tract saying we don't need the notion of representation.'

metaphysical status of concepts and categories; the sufficiency or otherwise of rationality and its implications for human conduct; the character, availability and justification of claims to knowledge; the subjectivity or objectivity of the same; and more generally on the appropriate form, structure and mechanisms of argument in political theory. Envisaged within and hence always dependent upon these positions, a thorough examination of the self requires the scrutiny of its supporting arguments and method as well as the eventuating conception. Indeed, in the case of a theorist such as John Rawls, whose 'Original Position' is examined at length in chapter two, it is often the case that self and method are so intimately linked as to be inseparable. Methodological interrogation alone is unable to thoroughly validate or refute a theory, but is indispensable to any process of evaluation and critique from which a defensible assessment might emerge. Although the satisfaction of a criterion of noncontradiction, for example, does not make a theory necessary, true, or compelling, a measure of consistency can nevertheless be considered a prerequisite of any convincing argument. Examination of these issues in the methodological arguments of a theorist contributes to an understanding of the coherence and plausibility of his work, and of the conception of the self maintained within it.

[2] Concepts and Contexts

In addition to matters of method the process of evaluation involves consideration of the various contexts addressed by a theory. With very few exceptions[4] most works, however innovative they at first appear, draw upon and are defined against their predecessors and contemporaries in a manner which allows their location within larger canons or traditions of thought. These labels are a convenient shorthand which allow an author to quickly identify a theory as consequentialist, rationalist, Hobbesian, etc., and more importantly they appeal to the authority of history and to the conventions established in previous philosophical encounters. To characterise a theory as, say, 'Humean', is to offer more than an innocuous label. It also distinguishes a theory from alternative positions, and might seek indemnity from engagement with bodies of thought deemed marginal or ineffectual within the domain of Hume scholarship. Finally, it implies a claim to justification or legitimacy insofar as an affinity is established with the extant corpus of Humean thought, and invites those who consider themselves the followers of Hume to identify with a theory and perhaps to support it on that basis.

[4] The originality of Wittgenstein is perhaps the most obvious counter to this generalisation, although the *Tractatus* can be clearly situated in the context of debates involving Russell, Frege, and the Vienna circle, and the *Philosophical Investigations* as Wittgenstein's revolt against his own earlier thought. Ray Monk, *Ludwig Wittgenstein: The Duty of Genius* (Oxford, Macmillan, 1990).

Satisfactory elucidation of contexts of thought requires the detailed investigation of substantial episodes in the fiercely contested narratives that are the history of ideas. This task falls well outside the compass of this essay, which is not an exercise in historical retrieval and analysis. In the course of the discussion I have however attempted – primarily in the form of footnotes – to convey some sense of the philosophical backgrounds, debates and points of convergence which arise between the major figures discussed, their historical predecessors and latter-day contemporaries. The awareness of context thus fostered is not however intended to overwhelm the focus or direction of the essay, which is firmly addressed to the working out of issues relating to the self as they arise within recent political philosophy.

An adequate consideration of context must also attend to the social and historical circumstances pertaining to a theory or debate. Philosophical claims upon the 'perspective of eternity' are many and varied, but no text can entirely escape the conditions of its formulation, regardless of claims to the contrary. In the composition of a text cultural conventions relating to form and content, language (addressed below), production and distribution, etc., inevitably inform the shape of a text. Similarly, although works which achieve canonical status often address perennial problems of social theory, they do so as a product of and response to the times they inhabit. Hobbes's methodological innovations, for example, were part of a transformation in European thought precipitated by the new science of the seventeenth century. His application of materialism and nominalism in the formulation of the civil philosophy systematically presented in *Leviathan* was however explicitly 'occasioned by the disorders of the present'[5] – the civil war and its aftermath – in a manner which is indispensable to a balanced understanding of the work.[6] Similar comments on the importance of historical and intellectual contexts might be made with regard to any work, following a line of reasoning neatly encapsulated by Hegel's pronouncement that as 'its own time apprehended in thought' the notion that philosophy might 'transcend its contemporary world' is equal in absurdity to the notion that an individual might miraculously 'overleap his own age.'[7]

The apprehension performed by political theory rarely assumes the form of a pale reproduction. Always contestable and interpretive, successful political thought is perhaps above all a critique of the present, unpacking and problematising the meanings, practices,

5 Hobbes, Thomas *Leviathan*, ed. Richard Tuck (Cambridge, Cambridge University Press, 1991), 491.

6 This does not of course contest the adoption of methods supposedly derived from Hobbes (or anyone else) in alternative contexts such as rational choice theory. It rather insists that an adequate interpretation of any text must take account of the contexts relevant to its composition. The definitive polemical statement of this position is that of Quentin Skinner, 'Meaning and understanding in the history of ideas' *History and Theory* 8 (1969), 3–53.

7 G.W.F. Hegel, *Philosophy of Right*, trans. T.M. Knox (Oxford, Clarendon Press, 1952), 11.

identities, institutions and associations of social life in order to understand, criticise and – sometimes – reconstitute them in a more adequate form. Identification of the circumstances relevant to a theory or debate serves a range of purposes including the clarification of particular cultural and historical conditions, the investigation and questioning of central concepts and meanings, the articulation of implicit attitudes and unquestioned assumptions, and the establishment of a practical relation between theories and the concrete social environments which they must ultimately address.

As indicated earlier, the philosophical contexts directly relevant to the discussion are, where necessary, elucidated in the course of the text. A similar level of detail is also provided in the treatment of particular cases of political conflict, such as that regarding identity and multiculturalism in Canada (Ch. 6). The more general climate of ideas and affairs in which recent controversies involving the concept of the self and their political implications occur is however not elucidated in depth, and some preliminary remarks concerning the wider contexts engaged by the discussion are therefore warranted. Socially, in the latter half of the twentieth century developments in technologies, infrastructures, institutions and relationships (involving – amongst other things – transport, mobility, communication, capital, employment and consumption)[8] have challenged and exceeded the conventional structures, boundaries and meanings inherent in social institutions – i.e. of the homogenous nation-state and representative democracy – familiarly regarded as the 'modern' norm in Western societies. The identification and analysis of these transformations are of course matters of considerable debate which defy precise summary, but three major areas of concern relevant to the theorisation of the self are readily discernible.

Firstly, the internal cultural sophistication and diversity characteristic of late-modern capitalist societies entails that identities and processes of identity-formation are more complex, differentiated and unstable than at any previous time. Secondly, modern transportation makes the transient mobility of peoples between territories possible in a manner which feeds, consolidates and compounds this internal complexity. Patterns of migration and settlement entail that the territorial state is now fundamentally multinational or polyethnic in form, incorporating proliferating cultures and identities which do not originate from, and are not constrained by, the limits of experience and identification which circumscribed earlier understandings of modernity and identity in the nation state.[9] Thirdly, the mobility noted above is bound up with the increasingly individuated ordering of social and economic activity, where the focus on the 'I' occurs at

[8] Scott Lash and John Urry, *Economies of Signs and Space* (London, Sage, 1994), offer a concise overview of the phenomena constituting 'late modernity' and the attendant sociological literature.

[9] For example Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Clarendon Press, 1995), 1, estimates that 'the world's 184 independent states contain over 600 living language groups, and 5000 ethnic groups.'

the expense of relationships and meanings dependent upon local and communal environments, an 'emptying out of the 'we' as the self comes up against an ever faster circulation of goods, images, money, ideas and other selves.'[10]

This intensification of individual mobility in terms of location, status, relationships and social membership[11] provoked a range of sociological and philosophical analyses. The 'communitarian critique' of liberal political philosophy, introduced in §3 below, is the most enduring and substantial of these investigations. Its principle contention maintains that the excessive individuation or atomism inherent in the methodologies of contemporary liberalism is unable to adequately comprehend the location of the self in the plural and intersubjective concrete social contexts which are prerequisite cultural resources of clearly formulated individual and group identities. Insofar as modern societies uphold and advance an unattainable ideal of autonomy and individuation, they correspondingly undermine the social bases of identity and promote an unsettled culture of dissociation and anomie.

It follows from this sketch that the controversy between liberals and communitarians is best viewed as part of the debates surrounding the assessment of 'modernity' and the theorisation of its aftermath and not – as it might appear at first glance – as an isolated intellectual encounter. Although the essay does not offer a global interpretation, critique or justification of 'modernity' as a social, political or cultural form, it does work within a general demarcation which accepts that we are presently situated in a period which can be intelligibly labelled 'late-modern' or 'post-industrial'. Given the scope of the issues involved it is doubtful that anything conclusive (or particularly sensible) can be said within a short work about the legitimacy or otherwise of 'modernity' which is a contingently overlapping series of temporally proximate social processes, rather than a singular and readily available occurrence or objective. What can be claimed with some confidence is that the balloon of intellectual optimism – or hubris – which supported the universalising, emancipatory, individualist and rationalist aspirations of the eighteenth century has been significantly punctured by the practical experience of enlightenment as a perennially unfinished project, and by the corresponding array of philosophical analyses suggesting that the project was fatally flawed from the outset and thus, in the words of Alasdair MacIntyre, *had to fail*.[12]

MacIntyre's rather hasty judgement is vitiated by the continuing impact of social thought, including that of John Rawls, conducted after the fashion established by Kant and his contemporaries. The distinctly chastened aspirations of Rawls's recent 'political

10 Lash and Urry, *Economies of Signs and Space*, 314.

11 The categories follow Michael Walzer's identification of 'the four mobilities', in Walzer, 'The Communitarian Critique of Liberalism', *Political Theory* 18, 11-12. The mobility of the late-modern subject is discussed by Lash and Urry, *Economies of Sign and Space*, Ch. 7.

12 Alasdair MacIntyre *After Virtue*, 2nd. ed., (London, Duckworth, 1985), Ch. 5.

not metaphysical' characterisation of his doctrine[13] are however not only an indication of the influence exerted by the 'communitarian' critique, but point to the wider impact of deconstructive, postmodernist, poststructuralist, feminist, pyschoanalytic, phenomenological and other critical perspectives. None of these approaches fatally undermines the philosophical assumptions and social ideals which fall within the general rubric of 'modernity', and they are rarely discussed explicitly by writers such as Rawls. Despite this their overall impact has been profound and enduring, a refashioning of the climate of ideas which confronts liberalism – as both a system of ideas and a system of social relations – with a set of questions regarding pluralism, identity, democracy and difference in late modern life. The difficulties thus engendered are distinguished by a philosophical depth and practical immediacy which suggest that the present crisis of liberalism will not be so easily resolved as those of earlier eras. The discussions of those questions in this essay concentrate on the interpretive or hermeneutic critique of liberal political theory, and also engage with significant postmodern and poststructuralist positions. It should consequently be emphasised from the outset that as part of a larger context of criticism the claims made for the arguments advanced are not totalising in form, and that pluralism is as relevant to social theory as it is to social practice. Although the interpretations advanced in the course of the essay are of course in my judgement the most convincing and plausible available in the areas they discuss, they do not claim to exhaust or resolve the issues addressed with any sense of finality, or deny the potential significance to the debates of contributions from other disciplines and approaches.

Returning to more immediate concerns, the encounter with language is often decisive in the assessment of any text (or texts). Philosophical and historical aspects of context are closely conjoined with the linguistic resources which condition their formulation and interpretation. In an important sense the three elements are inseparable, feeding into each other and establishing conventions and boundaries of understanding to the extent that as Ball suggests – after Wittgenstein[14] – 'the limits of my moral and political language...mark the limits of my moral and political world. More often than not, these linguistically imposed limits are invisible to speakers, serving as something like absolute presuppositions of intelligible discourse.'[15] Questions arising in the philosophy of language concerning presuppositions and pre-understandings are examined in some detail in chapter five. In a less technical mode, consideration of the self demands an awareness of forms of persuasion which attempt to elicit the identification or complicity of the reader with the viewpoints and ambitions of the author and text concerned.

13 Discussed in Ch. 3 below.

14 '*The limits of my language* mean the limits of my world': Ludwig Wittgenstein, *Tractatus Logico-Philosophicus*, trans. D.F. Pears and B.F. McGuinness (London, Routledge and Kegan Paul, 1963), 5.6 (italics original).

15 Terence Ball, *Transforming Political Discourse* (Oxford, Basil Blackwell, 1988), 4.

Conceptions of the self are always to some extent inductive rather than deductive. As a product of reflection any theory will embody and express in its language – however covertly – the experience and sympathies of the author. Methodology can refine, elaborate and in part justify positions, but cannot constitute experience as theory and does not originate them. Rousseau offers probably the clearest example of the potential influence of personality and experience. According to the *Confessions* his entire philosophy – and much else besides – was grasped in a 'vision' he experienced en route to Vinncennes in 1749.[16] The example of Rawls is less obvious but equally relevant in this regard, a point noted in some early responses to *A Theory of Justice*[17] but largely overlooked since. 'Contingencies' including Rawls's prejudices and inclinations are ostensibly removed from his impersonal 'original position', but not from the arguments mounted in support of the decision situation. R.M. Hare criticised this strategy on a number of grounds, but most pertinently alleged that inhabitants of the original position are nothing but 'replicas of Rawls himself with what altruism he has removed and a veil of ignorance clapped over his head.'[18] More congenially, Thomas Nagel declared that despite the weakness of many of Rawls's arguments and the lack of distinction characteristic of their composition, reading *A Theory of Justice* is 'a very powerful experience, because one is in direct contact at every point with a striking temperament and cast of mind. It is in that sense a very personal work'.[19]

The importance of authorial personality extends into considerations of style and expression which are beyond the grasp of philosophical and historical contextualisation. Again taking Rousseau as an example, the 'cult of sensibility' which his works posthumously inspired amongst both the decadent aristocracies of the *ancien regime* and the revolutionaries of 1789[20] was an emotional and aesthetic response to the astonishing style and candour of his works as well as a philosophical one. In a different sense entirely, when reading Hegel one is also placed in contact with a distinctive sensibility, albeit a somewhat obtuse one with a literary style at some remove from Rousseau's romanticism.

16 Jean-Jacques Rousseau, *The Confessions*, trans. J.M. Cohen (London, Penguin, 1953), 327–8. I am unconvinced that Rousseau's vision was anything more than a dizzy spell, but his depiction of it 'I beheld another universe and became another man' and the stylistic impact of his works, with all their calculated candour and emotive power, are probably the best example of the extent to which argument can remain philosophical (i.e. irreducible to 'philosophy as literature', etc.) whilst exceeding the analytical scope of methodological critique.

17 John Rawls, *A Theory of Justice* (Oxford, Oxford University Press, 1971).

18 R.M. Hare, 'Rawls' Theory of Justice' in Norman Daniels (ed.) *Reading Rawls* (Oxford, Basil Blackwell, 1975), 105. Some of Hare's criticisms of Rawls are addressed in more detail in Ch. 2.

19 Thomas Nagel, 'Rawls on Justice,' in Daniels, *Reading Rawls*, 16.

20 Simon Schama *Citizens: A Chronicle of the French Revolution* (London, Viking, 1990), 155-157. Tales of, e.g., Marat enthralling the crowds of Paris with readings from *On Social Contract* are probably apocryphal, but illustrate the perceived extent of Rousseau's popularity and influence during the revolutionary period.

Hegel's attempt 'to teach philosophy to speak German'[21] resulted in dense, opaque and often frustrating prose which draws the reader into a process of translation and exegesis where he becomes so deeply implicated in the resulting interpretation that the attainment of meaningful critical distance becomes if not impossible then extremely problematic. Similar comments could be made of the aphoristic mode practised by Wittgenstein and Nietzsche, whilst the self-consciously arid style of much contemporary analytical philosophy can also obliquely reveal a great deal about the objectives and self-images of its practitioners.

In these matters Rousseau, Hegel, Nietzsche and Wittgenstein are somewhat obvious examples, and when dealing with less prominent or distinguished figures it is not predictable that points of intimate contact with the sensibility of an author can be reliably identified. Furthermore, texts can of course be profitably read against the grain of their original context or interpreted without reference to the preferences and sensibilities of a theorist. But even the most radical decentring of the writer as an authoritative presence[22] leaves figures of rhetoric and strategies of persuasion undisturbed and in need of evaluation. Theories contain and are informed by claims to knowledge and justification which are not simply a matter of unconditioned logic, but are conveyed through the use of the literary imagination as well as the philosophical – invoking, for example, metaphors of vision and space, decision and construction, order and fragmentation, or recovery and loss.[23] The concept of self arises within and as a part of these epistemic and idiomatic strategies, and is saturated with figures of allusion and analogy which seek to elicit an evaluative response (typically of approval or agreement) from the reader.

The task of persuasion emerges as a matter of imagination as well as argument. Literary devices are not only of philosophical interest, but are integral to the engagement of the reader with a text and to his appraisal of it. As Ball suggested, when metaphors and figures become established commonplaces within a discourse they can become naturalised and effectively invisible. In such cases metaphor can also function as a tool of criticism, interrogating a theory with an alternative vocabulary in order to reveal and undermine latent narrative strategies, meanings and presuppositions. The discussions of self and language contained in the essay are sensitive to these subtleties and hopefully avoid the dangers of normalisation and essentialism which are engendered by the uncritical

[21] Letter to Voss, in *Hegel: The Letters*, trans. Clark Butler and Christine Seiler (Bloomington, IN., Indiana University Press, 1984), 107.

[22] e.g. Michel Foucault, 'What is an Author?' in Paul Rabinow (ed.) *The Foucault Reader* (London, Penguin, 1984), 101–120. The stature of Foucault as both authority and icon might be viewed as an ironic commentary on this text.

[23] Michael J. Shapiro 'Metaphor in the Philosophy of the Social Sciences', *Culture and Critique* 2 (1985), 191-214.

deployment of a settled or inadequately contested conceptual vocabulary. The success or otherwise of an interpretive enterprise cannot however be established prediscursively, and the aptness of any particular rhetorical approach must demonstrated rather than assumed by the critic.[24] This is not to say that the discussion eschews imaginative resources – language without metaphor being neither available nor desirable – rather that the imagery invoked, principally of space and reflection, is deployed explicitly, self-consciously and – hopefully – effectively in the course of the essay. That too, of course, is a judgement which cannot be redeemed in advance.

[3] Anthropology and Advocacy

The development of issues involving self and society proceeds using a modified form of the more sophisticated distinction, first employed by Charles Taylor, between ontology and advocacy.[25] All philosophical concepts are to some extent contested and in need of analysis and clarification – much philosophy is indeed nothing more than this process of elucidation – but the semantic range associated with 'ontology' extends to the point where the term is more likely than not to be misleading.[26] In view of this chronic vagueness I have for the most part favoured the term anthropology, which is compatible with at least one plausible interpretation of ontology – as the study of (human) being – but is considerably less ambiguous whilst remaining consistent with Taylor's discrimination between issues of ontology (including that of the self) invoked in developing an explanation of social life, and those of advocacy, which engage a range of questions relating to the interpretation of moral and political principles, the manifestation of principles in institutional and policy related forms, and so on.[27] The major import of

[24] *Pace* Shapiro 'Metaphor in the Philosophy of the Social Sciences', who concludes his survey with the claim (214) that because (Foucaultian) post-structuralism alone sufficiently disrupts 'the old management metaphors which have recently guided the social sciences' it alone allows one to 'learn the grammar, rhetoric and narrative structure of politicization, to learn to read and write politically.' Unfortunately, Shapiro underestimates the resources of other approaches (particularly hermeneutics, 207–210), and betrays his own insight into the 'orthodoxies of our social and political world' (214) as the metaphors of poststructuralism are themselves conventions of social science which need to be – like other approaches – continually interrogated, established and applied in discourse.

[25] Charles Taylor 'Cross Purposes: The Liberal-Communitarian Debate', in Nancy Rosenblum (ed.) *Liberalism and the Moral Life* (Cambridge, MA., Harvard University Press, 1989), 161.

[26] 'Ontology' is derived from *onto*, the participle of the Greek verb *eivai* , 'to be'. The OED (2nd. ed., 1989) quotes from 48 texts dated between 1761 and 1884 in exemplification of a set of derivative English nouns (ranging from ontogenesis to ontology itself) which invoke the vague idea of the list definition, 'the science or the study of being...' without exhibiting any other obvious commonality. Although a dictionary can never be the be all and end all, a reasonable sense of the extreme ambiguity of 'ontological discourse' is conveyed here. It is not clear that, without extremely careful bracketing, anything other than the notion that there is *something* which it is 'like to be' is conveyed by the term. Given this indeterminacy I have wherever possible sought in the interests of clarity to avoid recourse to an 'ontological' vocabulary. The notable exception to this involves passages concerning Heidegger and his intellectual descendants where to displace the term it is likely to detract from rather than clarify the discussion.

[27] Taylor, 'Cross Purposes', 159-60.

the distinction is that although an anthropological position – involving not just a concept of self but also ideas regarding the location of subjectivity within particular social contexts, and the relations obtaining between selves in those environments – informs deliberations about advocacy and may predispose judgements on such issues, the connection between the two is not one of simple entailment. As with the more familiar concepts of self and society, the most reliable approximation of the relation obtaining between anthropology and advocacy is that of non-determining interdependence.

The implications of this, which emerge in more detail in the course of the essay, are twofold. Firstly, once issues of anthropology and advocacy are separated out, it becomes clear that the commitments of theorists who are fiercely critical of the anthropological positions and attendant philosophical arguments of contemporary liberal philosophy do not determine or even necessarily imply the advocacy of a crude antiliberal political position. The assumption that communitarian, poststructuralist and other critical approaches are politically illiberal or intolerant is erroneous. Criticism of logical positivism or methodological individualism does not, for example, oblige a theorist to adopt a position supporting political collectivism. Secondly, the distinction is typically absent or undertheorised within liberal political theory, with the unfortunate consequence that insofar its defenders fail to observe or understand anthropology and advocacy they are likely to misinterpret their critics and, when attributing antiliberal political views on the basis of anthropological arguments, grossly misrepresent them in matters of advocacy.

Development of this approach envisages the self as situated and intersubjective, rendering any temptation to postulate an atomist, monadic or transcendental entity untenable from the outset. Recognising that institutions, practices and social meanings are not reducible to the intentions and actions of self-sufficient individuals, it is entirely distinct from anthropocentric or subjectivist approaches which take processes of individuation or (in a romantic vein) aesthetic self-creation to be in some sense defining for the self at the expense of other considerations. This repudiation is equally opposed to the alternative extreme, an anti-humanism which overreacts to the sovereign, self-making subject of modernity by reducing subjectivity to a discursive function or determination of history and language.[28]

The explanatory range of an anthropological perspective negotiates the dualism of structure and agency (itself a sociologically oriented restatement of the self–society problematic) and avoids the philosophical excesses of subjectivism and anti-humanism. The position developed in the course of the essay is a deliberately modest one, which

[28] Most influentially presented in the later works of Heidegger, discussed in Ch. 4 and Ch. 5. See also §4 below.

does not claim to establish a definitive account of the conditions of experience or constitute a grounding for the social sciences in an account of human nature. It is rather offered as an interpretive approach to the self which theorises questions of self, situation and intersubjectivity in a coherent but non-foundational manner, prior to a discussion of advocacy issues involving pluralism, democracy and deliberation arising from the critique of contemporary liberalism.

[4] 'Liberals', 'Communitarians' and Others

The essay examines issues of anthropology and advocacy in the works of two previously mentioned figures, John Rawls and Charles Taylor. In so doing it arguably marginalises many other worthy contributors to the debates at hand, but does so deliberately and justifiably. Authors such as Ronald Dworkin, Joseph Raz and Jeremy Waldron – who are acknowledged in footnotes and asides where their comments are judged to be of particular interest, but are not discussed at length in the main text – are participants in a resurgence of neo-Kantian liberal political philosophy which was precipitated, and remains dominated by, the ideas and methodological innovations introduced by John Rawls in the development of his theory of Justice as Fairness.

'Liberalism' is of course a historically and conceptually diverse label, neither encapsulated nor exhausted by the works of any single author. Despite this, given the ambition claimed by Rawls for his project – which sought to generalise and supersede the entire tradition of social contract theory by carrying it to 'a higher order of abstraction'[29] – and the impact upon the discipline of *A Theory of Justice*, the synonymous relationship which obtains in the essay between Rawls and contemporary liberal theory is not unduly solipsistic; a significant area of the domain of political theory *has* been remade (albeit perhaps temporarily) in the image of ideas presented in Rawls's writings. The works of his liberal commentators are not devalued by this assessment, but are identified as occurring *within* the parameters of a theoretical problematic broadly

[29] Rawls, *A Theory of Justice*, viii. A good deal of the examination in Chs. 2 and 3 below concerns the nature of this abstraction and its effects upon the philosophical coherence of Justice as Fairness. Given this it is perhaps appropriate to note that the distinction between 'abstraction' and 'idealization' set out by Onora O'Neill, *Towards Justice and Virtue: A constructive account of practical reasoning* (Cambridge, Cambridge University Press, 1996) has no impact upon the discussion. O'Neill maintains that abstraction, 'a matter of bracketing, but not denying, predicates that are true of the matter under discussion...[is] theoretically and practically unavoidable', whereas 'idealization' – the arrogation of enhanced or fictitious predicates, implying the denial of true or valid attributes – 'is another matter [which] can easily lead to falsehood.' (40–41). Her assessment of Rawls (44-8) suggests that he is susceptible to charges of 'idealization', but is unclear as to whether he is regarded as a purveyor of falsehoods. If they are logically distinct, as claimed by O'Neill, abstraction and idealization are very closely related; the distinction between the unavoidable generalisation of social theory and the errors of what she terms 'idealization' – where excessive bracketing risks fundamental error – is more a matter of degree than of conceptual difference. Where Rawls is criticised for excessive abstraction in this essay the sense with which the term is used is intended to cover that understood by O'Neill as 'idealization'.

enframed by Justice as Fairness. In emphasising Rawls's contribution to contemporary liberal theory the essay attempts to stay as close as possible to the animating concerns of the debates which it interprets.

In the case of 'communitarianism' four authors – Charles Taylor, Michael Sandel, Alasdair MacIntyre, and Michael Walzer[30] – are typically associated with the genre, although none of them clearly acknowledges the label, which is most closely identified at present with the American populist sociology and political coalition / civic movement led by Amitai Etzioni.[31] Although the four authors can be related in that they are all critics of excessive individualism, and of Rawlsian liberalism insofar as it manifests that philosophical error, 'communitarianism' is not constituted as a distinct school of thought. The interests and theoretical positions maintained by its protagonists are sufficiently varied that the term 'communitarian' – to a much greater extent than 'liberal' – is best considered a contested and only partially adequate form of academic shorthand, rather than a reliable criterion of philosophical classification. For these reasons the label is only invoked in the essay in contexts where its meaning is either self–evident or easily made clear, and where the interests of grammatical clarity and consistency otherwise demand its use.

Of these authors Michael Sandel and Charles Taylor are considered at length, the latter being the pivotal figure in the discussion. As with the theorists accorded a subsidiary role in the analysis of liberalism, MacIntyre, Walzer, Rorty et. al. figure in the essay when their relevance is of sufficient note, but have no privileged status within the unfolding interpretation. The attention accorded to Sandel is principally due to the forensic acuity of his critical reading of Rawls's theory in *Liberalism and the Limits of Justice.*[32] Charles Taylor's writings are only incidentally addressed to Rawls, but are significant because they display a consistency and depth of understanding which extends beyond critique and across the conventional boundary – which still operates today, albeit in a less rigid form than in previous years – between 'Anglo–American' (analytic) and 'Continental' (hermeneutic) methods of philosophical enquiry. A major ambition of this essay is to develop a theoretical standpoint, drawing heavily upon Taylor's writings, which affords the possibility – briefly explored in chapter seven – of a methodologically coherent and politically compelling account of anthropology and advocacy which unsettles the presuppositions of liberal theory, and supports a more expansive and

30 The vagueness of the 'communitarian' label – explored in greater depth at various points in the essay – is such that it has on occasion been applied to a range of theorists also including Richard Rorty, William Galston, Roberto Unger, Christopher Lasch and sundry others. The unofficial roll–call imputed here is consistent with the prevailing categorisation within political theory. See e.g. Stephen Mulhall and Adam Swift, *Liberals and Communitarians* (Oxford, Basil Blackwell, 1992).

31 Etzioni's work is briefly discussed in Ch. 6 'Political Theory and Community'

32 Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge, Cambridge University Press, 1982).

democratic account of political institutions and practices than that possible within the constraints of those assumptions.

The development of themes from Taylor's works here is a partial and, where necessary, a critical one. It is not my intention to offer a comprehensive exegesis, and the discussion passes over much of the historical detail contained in works such as *Hegel* and *Sources of the Self*.[33] More significantly, it largely ignores the aesthetic and religious concerns which Taylor articulated in *Sources of the Self*, but which fall outside the scope of this essay. Brief comments on these sections of the book and their somewhat controversial reception are contained in chapter four. In addition the critical account of Heidegger's conception of language and subjectivity[34] is arguably incompatible with Taylor's slight but laudatory comments on *Being and Time*.[35] Fuller treatment of these figures and issues would be indispensable aspects of a complete, more biographical inclined account of Taylor's works, but in the present context their absence carries no detrimental implications.

One further largely absent figure is worthy of note in the course of these introductory remarks. Although a significant proportion of the discussion engages topics involving language, interpretation and understanding in a manner indebted to hermeneutic and (to a lesser extent) poststructuralist thought, little attention is paid to the interventions of the Frankfurt School, dominated during the last two decades by the works of Jürgen Habermas on communicative action and discourse ethics.[36] This is the case for two major reasons, one general and the other particular. In general, the 'classical' works of the Frankfurt School constitute a set of debates involving Marxism, psychoanalysis and existentialism which clearly fall outside the range of the discussion. In particular, although Habermas's reformulation of critical theory exhibits a significant neo-Kantian dimension, this development extends across a range of related but not necessarily reconcilable areas – including evolutionary and cognitive psychology, pragmatism, semantics and systems theory – which significantly fails to engage the principal concerns here. Most importantly, in advancing conceptions of communicative competence and general pragmatics[37] which locate the normative commitments of

33 Charles Taylor, *Hegel*, (Cambridge, Cambridge University Press, 1975); Taylor, *Sources of the Self*, (Cambridge, Cambridge University Press, 1989).

34 See esp. Ch. 4, § 3, 'Engaged agency'.

35 Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (London, SCM Press, 1962).

36 Jürgen Habermas, *The Theory of Communicative Action*, 2 Vols., trans. Thomas McCarthy (Cambridge, Polity Press, 1984 and 1987); Habermas, *The Philosophical Discourse of Modernity*, trans. Frederick Lawrence (Cambridge, Polity, 1987); Habermas, *Justification and Application: Remarks on Discourse Ethics*, trans. Ciaran Cronin (Cambridge, Polity, 1993).

37 Habermas, 'What is Universal Pragmatics?', in *Communication and the Evolution of Society*, trans. Thomas McCarthy (London, Heinemann, 1979), Ch. 1. Habermas's 'pragmatics' are concisely outlined by Kenneth Baynes, *The Normative Grounds of Social Criticism* (New York, SUNY Press, 1992), Ch. 3.

consensus-oriented speech acts intersubjectively (i.e. in the conditions and presuppositions of the act of communication rather than the identities and self-understandings of participants in a discourse) Habermas accords a priority to formalism in the theory of language which effectively screens out issues of philosophical anthropology.[38] A more wide ranging survey would undoubtedly make more room for the thought of Habermas, but to do so here in any depth would entail the production of a significantly different work.

[5] Interpreting Vocabularies and Subjectivities...

Chapter two introduces the conception of self deployed by John Rawls, giving due consideration to his recent 'political not metaphysical' writings but for the most part concentrating on *A Theory of Justice*, which offers the most detailed account of the original position, the methodological device common to both 'early' and 'late' formulations of his doctrine. Rawls's project is schematically outlined, and his ideas regarding justification in moral theory (reflective equilibrium), the Kantian credentials of Justice as Fairness, and the differences between contractarian and constructivist descriptions of his methodology are explored (§§1-2). The concept of rationality and the thin theory of the good which Rawls ascribes to the self (§3), are found to involve information constraints which do not allow the formulation of a situation from which principles of justice might be rationally determined. Furthermore, the information which *is* made available behind Rawls's 'veil of ignorance' is ambiguous and inadequate to the extent that the characterisation of the original position as a meaningful decision situation is called into question. In a speculative manner some alternative suggestions concerning information provided 'behind the veil' and possible outcomes of the original position are briefly discussed (§4). The difficulties with reason and information carry over into issues concerning representation and deliberation (§5), as the multiplicity of selves envisaged by Rawls are neither necessary nor conceivable due to the constraints and abstractions imposed. Given this absence of pluralism and difference the issue of precisely who or what is modelled behind the veil of ignorance arises, along with the troubling question of how Rawls's abstract, individuated self relates to concrete and situated persons outside the original position.

These questions are explored in chapter three, 'The Unencumbered Self' in the form of an assessment of Michael Sandel's critique of Justice as Fairness. Defined in advance of any concrete and particular embodiment, the Rawlsian self is untouched – and hence unencumbered – by goods, beliefs, commitments etc. which, Sandel argues, are

38 Axel Honneth, 'Critical Theory in Germany Today' in Peter Osborne (ed.) *A Critical Sense: Interviews with intellectuals* (London, Routledge, 1996), 98-103.

constitutive for identity. Rawls's model is both philosophically flawed and, in treating the constitutive as the contingent, inadequate to experience. This emerges particularly clearly in Rawls's formal and superficial remarks on the morality of association, which fail to recognise the self as a socially embedded entity located – but not determined – by the particular contexts where reflection, decision, and agency occur (§2). *Liberalism and the Limits of Justice* has attracted a great deal of (mostly unfavourable) attention from liberal political theorists. An examination of (amongst others) Amy Gutmann, Charles Larmore, Kenneth Baynes and Will Kymlicka identifies oversights and misinterpretations in each case which render the objections tendered unsustainable (§3). In particular Sandel's critics consistently fail to distinguish issues of anthropology and advocacy, and in consequence erroneously assume the latter to be crudely determined by the former. Finally, some of the distinctions and clarifications introduced by Rawls in the course of his 'political' restatement of Justice as Fairness are investigated but found wanting (§4). Although it receives considerably less attention in the later works, the role of the original position remains central to Rawls's revised doctrine. The refinements and shifts of emphasis of *Political Liberalism* do not amount to a significant response to critics such as Sandel, because the fundamental dependence of the theory upon the framework articulated as the original position – and the concept of self therein, is undiminished.

The reflexive, intersubjective conception of the self outlined in opposition to Rawls's antecedently individuated model is explored in chapter four, 'The Hermeneutic Self', where the focus of the essay moves from Rawls's original position to the formulation of an anthropological position drawing upon the work of Charles Taylor. Introducing hermeneutics as a philosophical tradition (§1), the explanatory superiority of a substantive interpretive approach over 'naturalist' approaches (including Rawls's proceduralism) in dealing with questions involving intuition and pluralism is expounded (§2). The situation of the self within physical and psychological contexts of engagement is developed in opposition to the Cartesian model of individual self-certainty, and Taylor's writings are located within a diverse body of thought opposed to the epistemological project of conventional analytic philosophy (§3). A brief exposition of the significance of goods for the self, and their interpretation and evaluation as a fundamental form of engagement and agency (§4) precedes the treatment of issues in the philosophy of language (§5) which advance Taylor's interpretive anthropology as a viable alternative, as noted earlier, to the philosophical extremes of subjectivism and anti-humanism.

Chapter five addresses the problem of justification and hermeneutic methodology. The interdependence of text and context commonly referred to as the circle of hermeneutic explanation is examined and a pragmatic distinction established between the 'ontological' hermeneutics of Heidegger and the 'reflexive' alternative developed in chapter four. For Heidegger, understanding is predicated upon a transcendental *and*

historicised concept of the truth of Being. The attempt to postulate a grounding for truth is philosophically disastrous, involving unredeemable metaphysical claims which precipitate the collapse of hermeneutics into a vicious relativism. Reflexive hermeneutics avoids these philosophical dangers by eschewing transcendental truth claims, and remaining focused on the interpretation of language and human agency. This modest formulation is consistent with the main body of Taylor's work, although some unfortunate comments which might be taken to imply otherwise are accounted for towards the end of the first section. The remainder of the chapter (§2) pursues the question of justification in some depth, comparing Taylor's 'best account' argument with Rawls's superficially similar 'reflective equilibrium'. Although unable to offer conclusive methodological proof, Taylor's approach is vindicated over Rawls's due to the consistency and explanatory depth of its anthropological framework. This is followed by an examination of Taylor's moral realism, and the chapter concludes with a defence of the role accorded to reflection in processes of understanding and interpretation against the criticisms of James Tully and Owen Flanagan.

With the articulation and defence of the anthropological perspective complete chapter six, 'Political Theory and Community' addresses the uncertain movement of political theory from anthropology to advocacy (§1) and through a discussion of multiculturalism in Quebec (§2) highlights some of the resources and possibilities opened up by the adoption of a substantive, goods oriented approach, which is opposed to the Rawlsian standpoint adopted by Will Kymlicka. The Canadian example offers clear evidence that in terms of advocacy 'liberal' and 'communitarian' positions are not antithetical, although the haphazard advocacy positions adopted recently by Amitai Etzioni and Michael Sandel attest the need for careful formulation of political concepts consistent with an explicitly theorised anthropological perspective. A brief investigation of concept of community reveals some of the historical and conceptual issues surrounding the term (§§3-4), and clarifies both its political importance as a site of identification and context of deliberation for the self, and its philosophical significance to debates involving hermeneutic and post-structuralist theorists (notably Chantal Mouffe and William Connolly). Issues of power, essentialism and subjectivity which arise in these encounters are also relevant to the understanding of practical conflicts, particularly with regard to multiculturalism and identity politics.

The concluding chapter, 'Deliberation, Democracy and Subjectivity' presents in outline an account of the political dimension of agency involving evaluation, self-interpretation and intersubjectivity. These fundamentally significant modes of anthropological engagement extend into an understanding of politics as a series of overlapping encounters involving a contestation of meaning and value, manifested not only semantically but within social roles, institutions and forms of life. Discussions of

deliberation (§1) public space (§2) and democracy (§3) offer an account of political agency where the self is continually reproduced and articulated through participation in public space. The exploration of these themes is a preoccupation of much recent political theory, and the discussion establishes the relevance of interpretive methods to the questions of identity, democracy and difference. The advantages of hermeneutics over normative individualism are reiterated in the light of this discussion (§4), and the essay concludes with an examination of the conceptual vocabularies variously invoked by 'liberals', 'communitarians' and 'poststructuralists' (§5). In each case vocabularies and subjectivities are closely conjoined, and the strategies pursued constitute and illuminate differing – and sometimes incompatible – understandings of the subject and concepts of politics. The contestation of these perspectives is fundamental to a democratic political culture and the elimination or synthetic assimilation of any approach should be neither anticipated nor desired by theory. The account of anthropology and advocacy presented in the essay is however more consistent and compelling than the alternatives considered, contributing significantly to debates and criticisms which undermine the broad hegemony exercised by neo–Kantian political philosophy, and to the interpretation of the politics of identity and multiculturalism.

[6] A Note on Pronouns

WITH SOME RESERVATIONS, and after an extended period of deliberation and vacillation, I decided to consistently employ the male pronoun throughout this essay in preference to either its female alternative or inelegant constructions such as 's/he,' the alternating employment of 'her' followed by 'his,' or the inappropriate use of 'their' in cases where the singular pronoun is more accurate. To some extent this contradicts the tendency towards gender–aware language in academic writing, but does so for reasons which, although separately inadequate, when taken together qualify an approach which might otherwise seem at best insensitive and at worst misogynistic.

Firstly, the essay draws attention to the socially embedded position of theory in general, and hence of the theorist in particular. The use of a vocabulary which is inconsistent in this regard by, for example, erroneously implying a perspective and experience which is only very imperfectly available to me (if at all) would call into question a central element of the discussion from the outset. Secondly, and more controversially, the male pronoun is technically not gender–specific, albeit according to grammatical conventions established and made customary by cultures notable for their marginalisation of women. This is not to suggest that it is in some sense 'neutral' or 'degendered', but that rather than being exclusive the consistent use of the male pronoun

here is intended to convey – although of course it may not manifest – the inclusion of both male and female.[39] Thirdly, the ill-considered deployment of the female pronoun by male authors has a distinct tendency to ring hollow; the disingenuous character of the prose leaps off the page. This is of course a matter of opinion, but I am aware from conversations with others that as a response it is not uncommon, and it is not one which I would like to provoke here. The combined force of these considerations is perhaps not overwhelming, but in my judgement is sufficient to warrant the use of the standard form.

Intransitive and other derivative verb forms are spelt throughout following the British convention (-ise, -isation) in preference to the option generally favoured in American English (-ize, -ization), with the exception that when quoting directly from texts which use the American form I have retained the original spellings. The occasional infelicities resulting from the juxtaposition of different spellings of the same word are hopefully outweighed by the benefits of consistency achieved in the main body of the text. Finally, although the discussion aims throughout for a measure of readability, given the uncertain literary qualities of some of the material examined this ambition is not always easily realised. I have throughout the essay preferred clarity over formal correctness, guided in matters of style and grammar by the example of Raymond Chandler, who famously responded to the corrections of his editor by insisting that 'When I split an infinitive, god damn it, I split it so it stays split.'[40]

39 J. David Velleman (1989) *Practical Reflection* (Princeton, NJ., Princeton University Press), 4 n.1. Velleman also notes here that strategies such as alternating between 'he' and 'she' might be taken to imply that when using either pronoun its 'other' *is* being deliberately excluded.

40 Cited in *The Bloomsbury Dictionary of Quotations* (London, Bloomsbury, 1987), 96.

CHAPTER TWO

THE ORIGINAL POSITION

[1] INTRODUCTION

UPON PUBLICATION *A THEORY OF JUSTICE*[1] was rapidly acknowledged as the foundational text of modern liberal political theory, generating a massive critical reaction[2] to which John Rawls responded in a series of essays and lectures which were integrated to form the revised doctrine presented as *Political Liberalism*.[3] Both works are offered as systematic developments[4] of themes which have dominated Rawls's thought over the past four decades.[5] The following examination will largely follow this classification, for the most part avoiding recourse to articles composed during the evolution of the theory. To do otherwise runs the risk of obscuring or distorting the internal coherence claimed by Rawls for his two major statements of Justice as Fairness. In both accounts Rawls employs a contractarian apparatus, the original position, to expound and justify principles designed to regulate the operations of the 'basic structure' of the well ordered society. The present examination proceeds by considering core elements of this methodology, and the coherence and viability of the conception of the self envisaged therein.

The 'original position' describes a hypothetical choice situation in which persons are to decide principles of justice, 'the first virtue of social institutions'[6] under conditions of uncertainty modelled by Rawls as the embodiment of 'the moral point of view' where

1 John Rawls, *A Theory of Justice* (Oxford, Oxford University Press, 1971). henceforth cited as *Theory*.

2 Documented in J.H. Wellbank, David T. Mason and Denis Snook (eds.), *John Rawls and his Critics: An Annotated Bibliography* (New York, Garland, 1982) and in J. Angelo Corlett (ed.), *Equality and Liberty: Analyzing Rawls and Nozick* (London, Macmillan, 1991), 330-396.

3 John Rawls, *Political Liberalism* (New York, Columbia University Press, 1993).

4 Rawls, *Theory of Justice*, vii; *Political Liberalism*, xiv.

5 Beginning with John Rawls, 'Justice as Fairness' *Journal of Philosophy* 54 (1957), 653-662 and presently culminating in a 'Reply to Habermas', *Journal of Philosophy* 92 (1995), 132-180.

6 Rawls, *Theory*, 3.

conditions of mutual impartiality, freedom and equality pertain between individuals and constrain their deliberations. Although Rawls's principles[7] apply in the first instance to public institutions and practices, they are a product of and are affirmed by human reason and hence depend upon a conception of that reason as a faculty of the parties postulated within the choice situation. This is to say – as Rawls does – that his principles of justice are predicated upon an 'an ideal of the person that provides an Archimedean point for judging the basic structure.'[8] The ideal is constructed as the convergence point of the elements which make up the original position, mechanisms which constitute and support the Rawlsian self. Four main components – uncertainty, rationality, knowledge and justification – function both to establish the self as a theoretical concept (i) and to govern the role assigned to the self in the determination of the principles of justice (ii). The discussion here primarily addresses the first of these questions, concerning whether the self is theorised in such a way as to be plausible within and relevant beyond the immediate context of the original position.

This focus is adopted because if the philosophical claims of the Rawlsian self are found to be weak or non-existent, the detailed working out of the processes entered into by it in the formation of the well-ordered society becomes equally irrelevant. Although Rawls's comments on constitutional democracy, utilitarianism, economic theory, civil disobedience, etc.,[9] are not without interest in their own right, what defines principles of justice and makes them binding is their derivation from an appropriately defined original position of impartial choice between free and equal rational parties. Rawls formulated his favoured principles long before their exposition in *Theory* and rather than attempting to address the question of justice his work often seems more like a prediscursively validated answer in search of a befitting question.[10] As Brian Barry notes, this suggests that 'in arguing for the appropriate characterisation of the original position it is necessary to develop definite ideas about the general characteristics of justice. But it should then be possible to get from these to principles of justice without ever going through the business of choice in the original position.'[11] However, the original position purports to demonstrate *why* principles are those of justice – rather than being, for example, nothing more than the outcome of a debatable experiment with decision theory, or an elaborate

[7] The final formulation of the principles of justice within *Theory* (p.302) is as follows. 1) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all ('The Liberty Principle'). 2) Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged ('The Difference Principle')...and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

[8] Rawls, *Theory*, 584.

[9] § 5, §§ 12-13 and § 30, and much of the material contained in Part Two of *Theory* (§§ 31-59) deals with such matters.

[10] Rawls, *Theory*, 141: 'We want to define the original position so that we get the desired solution.'

[11] Brian Barry, *Theories of Justice* (Hemel Hempstead, Harvester Wheatsheaf, 1989), 214-215.

statement of Rawls's preferences. The temptation to displace the detail of the original position must be resisted, because to do so overlooks the purpose and significance of the Rawls's method, and deprives Justice as Fairness of the resources required to constitute and authenticate its status as a political theory.

[2] The Original Position: Content and Justification

The impartial status of the putative contractors in Rawls's bargaining situation is secured by the imposition of a 'veil of ignorance'[12] which creates a wide ranging state of amnesia amongst the parties concerned. They are denied information about their social positions, natural assets, and psychological dispositions, etc., and are unaware of their particular 'conception of the good' or life-plan, but do know that they will ordinarily form and pursue such schemes beyond the veil.[13] Detailed particularistic information along these lines is perceived by Rawls as arbitrary from the point of view of democratic equality[14] where such 'contingencies' have no bearing on the identical status of each person *qua* moral personality. The decision procedure must preserve this fundamental equality if it is to offer up an agreement which is both acceptable and binding upon the reason of all, and the information is excluded from the original position on the grounds that it could allow persons to argue from a position of advantage which would either render any outcome either illegitimate (it would not be arrived at under fair conditions of equality) or unattainable (a satisfactory result would be impossible were each party seeking to advance particular interests to the detriment of others). Furthermore, justice is an atemporal and ahistorical as well as an impartial concept on Rawls's account, and the veil also excludes knowledge of the political and economic circumstances of the society concerned, the nature of its development, its natural and social conditions, and so on. The parties *are* however aware of a nebulously defined range of 'general facts'[15] concerning political affairs, psychology, economics and so on, of indeterminate scope but supposedly provided in sufficient detail for an agreement to be secured.

12 Rawls, *Theory*, §24.

13 'Conception of the good', is somewhat general term which covers a range of possibilities including (but not limited to): the monistic affirmation of a particular philosophical idea or theological ordinance as properly determinant of human ends; to such a conception as of particular but not deterministic importance; to a particular goal or range of goals (such as wealth, or success in a particular area of life) as the long term objective of action; or to a more general scheme encompassing the range of virtues, needs, dispositions and preferences which, taken together, constitute a flexible standard according to which a qualitatively fulfilling or worthwhile life might be examined. This last definition is probably the most common one, but attributions and assumptions compatible with the others are also present in the current literature.

14 Rawls, *Theory*, 75.

15 Rawls, *Theory*, 137-138.

Related to these 'general facts' is an awareness that 'circumstances of justice'[16] obtain as background conditions relevant to the constitution of any society. The 'objective' aspects of these circumstances state that given geographical proximity, rough equality of physical and mental powers, similar vulnerability to harm and a moderate scarcity of natural resources, individuals will experience an identity of interests (allowing for mutual benefit through co-operation), but also a conflict of interests (regarding distribution of the benefits generated by that co-operation). 'Subjectively' circumstances of justice begin to describe internal factors related to the reasoning of parties in the choice situation. Although sharing similar basic needs and preferences, each represent bearers beyond the veil of independent (but undefined) conceptions of the good, interests 'of a self that regards its conception...as worthy of recognition and that advances claims in its behalf.'[17] This independence is manifested as mutual disinterest in the presocial scenario, where parties are solely concerned with the claims of individuality. Although Rawls concedes that beyond the veil parties may acquire ties of mutual interest or non-instrumental sociability, such 'strong assumptions'[18] are inadmissible in the original position, which purports to avoid dependence on either controversial moral assumptions or contingent social facts.

Ostensibly embodying no substantive presumptions regarding the interests of persons beyond it, the veil of ignorance attempts to describe a position of neutrality or impartiality between potentially conflicting claims in order to establish conditions accommodating the presence of incompatible conceptions of the good within the well ordered society. It is so designed to model the self as a free, equal and independent entity, whose reason is undisturbed by specific psychological, cultural or social knowledge.

These abstractions from experience are extended in Rawls's elaboration of the rationality of the parties, probably the most important single element of any decision problem.[19] Mutual disinterest is buttressed by the stipulations that contractors will not be prone to envy, and are to comprehend themselves as beings capable of a sense of justice, i.e. of recognising as binding a voluntary agreement with which they can in good

16 Rawls, *Theory*, § 22. The idea is drawn from David Hume and H.L.A. Hart, as noted by Rawls at *Theory*, 126n.3. In *Theory* circumstances of justice attempt to play a role similar to that of state of nature arguments in traditional contract theory. However, neither Hume nor Hart grasped the idea in such a manner. Hume regarded social contract theory as historical and logical absurdity, whilst Hart posited his 'minimal content of natural law' as a set of truisms relating to human survival which are necessary but insufficient elements within a positivist conception of law conceived as a set of 'primary' legal rules and 'secondary' power conferring rules. See Hume, 'Of The Original Contract', *Philosophical Works Vol. 3*, ed. T.H. Green and T.H. Grose (London, 1882; repr. Scientia Verlag Aalen, 1964), 443-460. H.L.A. Hart, *The Concept of Law* (Oxford, Oxford University Press), 195.

17 Rawls, *Theory*, 127. Emphasis added.

18 Rawls, *Theory*, 129.

19 As R.M. Hare notes, these conditions constitute the substance of the theory, '...the rest being mere dramatisation, useful for expository purposes, but also potentially misleading.' Hare, 'Rawls' Theory of Justice', 87.

faith comply. With these 'strict compliance' conditions established, the parties are to select principles designed to secure for each the maximum possible allocation of 'primary goods',[20] the elements which make sense of Rawls's 'thin theory of the good'. All that is known to the parties is that they will, in society, form and pursue life-plans which they presume to be 'rational'. Supposedly a requirement of any such plan, primary goods are elements which Rawlsian selves desire more of in order to promote their life prospects, whatever they might turn out to be. Primary goods are defined as two sets of liberties and inequalities, the first assuming distributive superiority over the second wherever the circumstances of justice apply. 'Basic liberties' comprise negative freedoms broadly commensurate with the U.S. Bill of Rights (relating to freedom of conscience, speech, action subject to law, political participation and private property), with the secondary set regulating inequalities inequalities of goods such as wealth, income, power and authority. Basic liberties are prior for Rawls because they are the prerequisites of individual self-determination, and hence necessary for the attainment of self-respect – considered by Rawls to be the most important primary good.[21] Primary goods are in turn presented as elementary properties 'that every rational man is presumed to want. These goods normally have a use whatever a person's rational plan of life.'[22]

Principles of justice govern the distribution of these goods and liberties, creating in the original position a superficially uncomplicated problem of maximisation to which a number of constraints are added in order to guarantee a result consistent with Rawls's presuppositions.[23] These conditions are implicitly entailed (as, for example, disinterest implies non-envy) by the established ignorance and equal situation of the contractors, but are nonetheless worth rehearsing. 'Constraints of right' [24] describe the formal conditions with which admissible principles must comply. Firstly, they must be general in scope, applying unconditionally in any society where the circumstances of justice obtain. From this, and from the independence of the parties in the original position, they must also be universalisable, applicable in equal measure to all persons. Thirdly they must be public and not depend on information unavailable in the original position, and offer an ordering of priorities which is recognised by all as authoritative in the settling of conflicts between colliding interests and freedoms.[25] Finally, principles of justice are assigned the status of finality in practical reason. Overriding considerations of law,

[20] Rawls, *Theory*, § 15; also esp. 61-62, 440-442.

[21] Rawls, *Theory*, 440-445. As is clear from the page references, the implicit linkage between autonomy and self-respect does not assume prominence until a relatively late stage in Rawls's exposition.

[22] Rawls, *Theory*, 62.

[23] Including both the position on individuality stated in *Theory*, 3, 'Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override', and the content of the principles as discussed in §1 above.

[24] Rawls, *Theory*, § 23.

[25] Rawls, *Theory*, 134.

custom, desire or consequence, 'reasoning from these principles is conclusive'[26] in all times and all places: *'the original agreement is final and made in perpetuity, there is no second chance.'*[27]

These requirements are consistent with Rawls's deontological conjunction of justice and individual inviolability. The ascription to the parties of a 'maximin' strategy of reasoning is a less clearly derived element of the original position.[28] In seeking to maximise their life prospects, Rawls suggests they will look to the worst possible outcome in order to ensure that if that turns out to be their position beyond the veil, it is one from which they can happily affirm principles of justice as the result of a fair process with which they have natural duty to comply. This strategy is introduced as a heuristic device in order to defend Rawls's preferred outcome, rather than as a property of the parties themselves. The assumption that it does apply, however, introduces a strong dose of prudential caution to the Rawlsian self. In keeping with a desire to preserve their independence beyond the veil, parties to the original position are not prepared to expose themselves to any level of risk or probability regarding distributive principles, regardless of how small the risk or how high the potential gain: they are willing to be victims of justice, but not of circumstance.

Following ignorance, knowledge, and reason the fourth major element of Rawls's methodological apparatus involves considerations beyond the immediate purview of the original position. Rawls offers an ingenious coherence theory of justification which attempts to render the hypothetical abstractions of his contractarian procedure both acceptable and relevant by establishing a connection between principles of justice and the ordinary (i.e. non-theoretical) moral judgements of the reader.[29] This connection assumes the form of a balance between the considered judgements and intuitions which for Rawls are the starting point of moral thought, and a coherent set of principles which can produce and account for these judgements. In the course of the establishment of this symmetry or 'reflective equilibrium'[30] between judgement and principle both are open to revision in the light of concerns raised by the other. For example, when stated as a principle a particular judgement might appear to be inconsistent and in need of revision, and vice versa. This flexibility is designed to commend principles of justice to reason by establishing that 'the conditions embodied in the description of the original position *are*

26 Rawls, *Theory*, 135.

27 Rawls, *Theory*, 176, emphasis added.

28 Rawls, *Theory*, 152-155. The maximin principle has been strongly debated by economists and decision theorists. See for example John C. Harsanyi, 'Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls' Theory', *American Political Science Review* 69 (1975), 594-606.

29 Rawls notes at page 50 of *Theory* that 'for the purposes of this book, the views of the reader and the author are the only ones that count.' Given this his use of 'we', 'our' and so forth in the text addresses a more narrow audience than might otherwise be supposed.

30 Rawls, *Theory*, §9.

ones that we do in fact accept.'[31] The formulation of equilibrium occurs by following through and modulating the decision procedure, 'going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgements and conforming them to principle,' until after a series of revisions and trade-offs 'we shall find a description of the initial situation that both expresses reasonable conditions and yield principles which match our considered judgements.'[32]

Reflective equilibrium is offered by Rawls in two forms. The 'narrow' conception seeks a simple correspondence between moral judgement and moral principles; the 'wide' variant involves more complex considerations aimed at the evaluation of a range of philosophical theories and other assumptions affecting both 'considered judgements' and the description of the original position (regarding rationality, the scope of justice, the nature of society and so forth) which must similarly be open to question in the formulation of an overall, consistent procedural theory.[33] Although wide equilibrium somewhat complicates the process, in both cases a similar balancing endeavour is undertaken. Putative principles are evaluated relative to considered judgements, background philosophical theories, and the bargaining conditions required to accommodate them. Each of these elements is open to change in order to conform with the demands of others, until the whole structure holds together appropriately. There are hence innumerable potentially viable interpretations of the original position, and that developed by Rawls is merely one, acquiring its favoured status on the basis that the assumptions it relies upon only involve 'generally shared...preferably weak...equally reasonable'[34] claims. Each aspect of the contractual procedure can so be defended by drawing upon 'our' considered judgements which despite being open to amendment are inexplicably considered sufficiently reliable to constitute a 'class of facts against which conjectured principles can be checked.'[35] According to Rawls justification is therefore 'a matter of the mutual support of many considerations, of everything fitting together into one coherent view.'[36] The consolidation of interdependent elements within equilibrium achieves this by spreading the burden of proof across the range of the argument, but leaves both judgements *and* their supporting arguments open to reformulation as and when required by convenience or necessity.

31 Rawls, *Theory*, 21, emphasis added.

32 Rawls, *Theory*, 20.

33 The distinction between 'narrow' and 'wide' equilibrium is implicit in *Theory*, where Rawls refers (p.49) to the difficulty of accounting for 'all possible descriptions and of all philosophically relevant arguments.' The labels were coined by Rawls in 'The Independence of Moral Theory'', *Proceedings and Addresses of the American Philosophical Association* 48 (1974-5), 8f.

34 Rawls, *Theory*, 20.

35 Rawls, *Theory*, 51.

36 Rawls, *Theory*, 21.

This discussion of the original position is not overly concerned with whether or not Rawls's method can, as he supposes, find support within a state of equilibrium, since if the structure is found to be seriously wanting then the question of its place within a system of justification becomes largely irrelevant. It is nonetheless apposite at this point to note some of the issues raised by Rawls's proposals in order to forestall objections that the criticisms below might overlook the overall plausibility of *Theory* as an attempt to establish equilibrium, and because the doctrine has been seen independently of Justice as Fairness as a theoretical advance.[37] The problem of justification in ethics is a notoriously difficult one which Rawls approaches by presenting his theory as an accommodation of judgement and principle, which sidelines issues concerning the epistemological status of moral concepts and other areas of philosophical controversy.[38] The major criteria of authentication are that the theory 'hangs together' in a consistent manner, that each of its elements be *prima facie* acceptable rather than dependent on complex argumentation, and that its results be amenable upon due deliberation with the ordinary moral judgements of the individual concerned.

The justificatory force of this extended coherence argument is unfortunately elusive. The most common and damning objection is that since principles of justice are reciprocally dependent upon background theories and pre-philosophical judgements, the methodology advocated appears to be explicitly devoid of the reasoned grounds which might allow it to be a justificatory procedure at all. If judgements and theories bear out principles, and principles are supported by these very elements, then all that the procedure of reflective equilibrium can offer is a rationalised account of a person's initial preferences and judgements.[39] Beyond the veil a wide range of such background theories

[37] In particular by Norman Daniels, 'Reflective Equilibrium and Archimedean Points' *Canadian Journal of Philosophy* X (1980), Kai Nielsen, 'Grounding Rights and a Method of Reflective Equilibrium' *Inquiry* 25 (1982), and Nielsen, 'Relativism and Wide Reflective Equilibrium' *The Monist* 76 (1993).

[38] In this matter Rawls has gone so far as to suggest that as a means of clarifying the understanding of the concepts involved, Reflective Equilibrium is a necessary precursor to progress in moral epistemology. John Rawls, 'The Independence of Moral theory', *Proceedings and Addresses of the American Philosophical Association* 48 (1974/5), 6-7. However, as Joseph Raz, 'The Claims of Reflective Equilibrium' *Inquiry* 25 (1982), 313-4 points out, the connection between equilibrium and epistemology is a very opaque one, it being quite unclear how Rawls's formulation of the principle of consistency might contribute to a deeper understanding of moral concepts, or what the resulting philosophical advance might resemble.

[39] D.W. Haslett, 'What is wrong with Reflective Equilibria?' *Philosophical Quarterly* 37 (1987), 307. Haslett also objects (310-11) that Rawls offers no criteria regarding the adjustment of principle or judgement in equilibrium. In a case of moral contradiction it may not be clear whether innocuous assumption *x* or principle *y* should be put aside. Indeed, the prima facie assumption that morality must be determinate and entirely consistent is not obviously warranted, as demonstrated by the narrative of tragic choice from The Theban Plays to the Trolley Problem. See also Raz, 'The Claims of Reflective Equilibrium', 309: 'reflective equilibrium is then not a method in moral philosophy at all. It simply advocates that our judgement be informed...and consistent.' Daniels, '...Archimedean Points' acknowledges the force of the objection, noting that 'the wheels of the contract spin freely, providing no justificatory traction' (84), before amending Rawls's proposals by the introduction of a 'deep theory' á la Dworkin, and an 'independence constraint', digressions which I shall not pursue here. Nielsen, 'Relativism and Equilibrium', 318, acknowledges this objection but

are likely to be prevalent, each producing a similarly consistent account of equilibrium. But Rawls's theory is unable to adjudicate between or validate any single conception as normatively binding. He thus suppresses the question of justification by relocating it in the realm of 'provisional fixed points' – innocuous assumptions, moral intuitions and background theories. Reflective equilibrium might well refine or even transform a person's moral conceptions (e.g. as he sees that his assumptions were erroneous, or his reasoning from them inconsistent). It cannot however evaluate equilibria with reference to supporting reasons independent of the conception in question,[40] or explain why one particular equilibrium point should be accepted as normatively binding. The fact that a series of assumptions, judgements and principles can be fitted into a purportedly coherent view does not provide grounds for judging that view valid, and reflective equilibrium is thus not a justificatory device in the sense demanded of it by Rawls.

Rawls's second attempt at justification is more aptly described as a strategy of persuasion rather than demonstration. The 'Kantian Interpretation of Justice as Fairness'[41] claims that *Theory* offers a reconstruction of Kant's critical methodology which maintains core concepts (rationalism, autonomy and the categorical status of morality) without invoking the controversial metaphysical baggage[42] which encases Kant's system. By presenting *Theory* in this light Rawls explicitly relates his work to 'the high point of the contractarian tradition,'[43] and claims the authority of historical association in order to appeal to the Kantian sympathies of the reader.

Framing the original position in order to emphasise its underlying themes, section forty of *Theory* offers Justice as Fairness as a 'procedural interpretation of Kant's conception of autonomy and the categorical imperative.'[44] This rendition relies on three claims: that Kant viewed moral principles as the object of rational choice; that as

claims that it only applies to narrow, and not wide equilibrium, which he argues is potentially able to rationalise a range of appeals common in moral discourse (318). However, Nielsen ventures the possibility rather than the substance of such an equilibrium, hence somewhat begging the question. He does suggest that deliberation might take place under conditions seeking to emulate the undistorted conditions of discourse represented by Habermas's ideal speech situation (321) but this combination is somewhat baffling, since reflective equilibrium calls for the positing of a substantive theory manifesting the moral sense maintained by the individual, whilst the ideal speech situation is a procedural fantasy modelling the circumstances under which acceptable moral agreement might be reached. Nielsen so appears to be confusing arguments of form and content. Alternatively, if he is suggesting that equilibrium might best be reached via an ideal speech situation (as opposed to the original position), he appears to call upon himself the thankless task of following Rawls and describing, at least in outline, what might eventuate from such a dialogue.

[40] Although Nielsen, 'Relativism and Equilibrium' 327, denies that this is the case: 'where there are two or more conditions of wide reflective equilibrium, only one can be the widest and thus the most adequate reflective equilibrium.' The accuracy of this claim is difficult to evaluate in the absence of even one obviously successful account of wide reflective equilibrium, never mind two.

[41] Rawls, *Theory*, §40.

[42] Principally the transcendental deductions and the distinctions between noumenal/phenomenal realms, analytic/synthetic propositions and a priori/ a posteriori judgements.

[43] Rawls, *Theory*, 252

[44] Rawls, *Theory*, 256.

legislation for the kingdom of ends these principles must be mutually acceptable, hence public and universal; and that they must be formed under conditions which characterise men as free and equal rational beings.[45] According to Rawls the abstraction of the original position meets these requirements because the denial of particularistic knowledge precludes the encroachment of heteronomous impulse upon reasoning behind the veil, the constraints of which constitute conditions appropriate to the exercise of autonomous judgement. By acting outside the original position from principles of justice, understood as what *would* be chosen under such circumstances, 'persons express their nature as free and equal rational beings.'[46] Principles so assume the status of categorical imperatives, injunctions applicable to all persons in virtue of their status as free equal and rational beings.[47] In this light the original position is revealed as 'the point of view from which noumenal selves see the world...[they] have complete freedom to choose whatever principles they wish; but they also have a desire to express their nature as rational and equal members of the intelligible realm.'[48]

This 'interpretation' assumes the form of a schematic outline rather than a detailed discussion of either Kant or the original position, but even taken superficially it is conspicuously problematic. Rawls's epistemological agnosticism necessitates the rejection of Kant's transcendental grounding of morality, and the original position therefore cannot be strictly justified or derived from a Kantian position. The procedural scheme of *Theory* instead purports to relate Kantian concepts to general conditions of human existence in order that they no longer appear as either purely formal[49] or dependent on controversial metaphysical theses. The original position is deployed in order to establish this relationship, but in so doing, as Rawls notes,[50] it departs from Kant's views in significant ways.

The most serious doubt concerning the Kantian interpretation concerns the whole idea of introducing a bargaining game into moral philosophy. As Thomas Nagel noted in his early review of *Theory*,[51] principles are chosen from a desire on the part of the self to optimise its share of primary goods, and their relevance beyond the veil depends upon the sense of justice promoted by the successful execution of just institutions as much as the

45 Rawls, *Theory*, 251-2.

46 Rawls, *Theory*, 252.

47 Rawls, *Theory*, 253.

48 Rawls, *Theory*, 255.

49 The most common objection to Kant's moral philosophy, e.g. Hegel, *Philosophy of Right*, §135 R, or more recently Alasdair MacIntyre, *After Virtue*, Ch. 4. Rawls appears to concur with this criticism in noting (*Theory*, 255) that 'Kant did not show that acting from the moral law expresses our nature in identifiable ways that acting from contrary principles does not.' By allowing that acting from his principles allows persons to express their 'true nature' as equal and rational beings Rawls claims to overcome this deficiency in Kant's moral theory.

50 Rawls, *Theory*, 256.

51 Thomas Nagel, 'Rawls on Justice,' in Daniels, *Reading Rawls*, 4.

belief that principles express human freedom and rationality. Motivation in both instances is conditional and hypothetical rather than categorical, and in consequence the Kantian status of principles of justice is compromised from the outset. Kant recognised that in the categorical imperative 'no new principle of morality is set forth...but only a *new formula,*'[52] the elementary structure of which[53] is derived from the very nature of rationality, but Rawls attempts to define through a set of conditions, constraints and assumptions a decision situation from which a determinate result, i.e. his preferred principles, will eventuate. The claim that Rawls's principles constitute categorical injunctions is based on the assumption that primary goods refer to universal interests of *any* self, the desire for which being in part what makes persons rational. Even if this assumption (discussed in the following section) is borne out principles will be dependent on this generalised end – the desire to secure through prudential *a posteriori* judgement an optimal set of goods – and so hypothetical in their derivation. It has been argued that primary goods constitute 'objective' rather than 'subjective' ends, and are hence desires 'constitutive of having an end valid for all rational beings'[54] but this claim, even if sustainable, remains dependent upon a set of secondary arguments specifying and justifying the 'objective' status of primary goods. Without the unavailable grounding of Kant's moral epistemology the categorical claim made by Rawls on behalf of his principles is at best insecure and at worst spurious. The Kantian interpretation is insufficiently faithful to command the support of the tradition it invokes, and as with reflective equilibrium it carries no independent justificatory force. If Rawls's method is philosophically flawed, the Kantian interpretation will not be capable of rescuing it.

A second obstacle facing Rawls's interpretation concerns the notion of the original position as a contractual situation. The scenario is defined as one of collective choice on the part of the self described within the determinate if highly abstract bargaining game. This causes significant problems regarding whether or not a meaningful choice is offered by the procedure (examined at greater length in §§5-6), and raises questions concerning the compatibility of the concept of contract maintained by Rawls with that of Kant. According to Kant, the social contract has a limited but significant role as:

'...an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation, and to regard each subject, in so far as he can claim

[52] Immanuel Kant, *Critique of Practical Reason*, trans. Thomas K. Abbot, 6th ed. (London, Longman. 1909), 93 n.1.

[53] The two most commonly cited formulations of Kant's categorical imperative are to be found at p. 402 and 409 (Academy pagination) of the *Groundwork of the Metaphysic of Morals,* trans. H.J. Paton (London, Routledge, 1993).

[54] Stephen L. Darwall, 'Is there a Kantian Foundation for Rawlsian Justice', in H. Gene Blocker and Elizabeth E. Smith (eds.) *John Rawls's Theory of Social Justice: An Introduction* (Athens, OH., Ohio University press, 1980), 338.

citizenship, as if he had consented within the general will. This is the test of rightfulness of every public law.'[55]

As an 'idea of reason' the notion of contract reworks the formula of the categorical imperative for the purposes of civil law. It is a test of rightness rather than a theory of justice, and properly belongs within the sphere of jurisprudence (political right)[56] rather than that of the moral law.[57] Rawls makes no mention of this moral – juridical distinction with the result that principles of justice ostensibly obtain without differentiation upon the institutions of the basic structure, their legislation and practices, and to individuals within the well ordered society. The issue of the range of application may appear to be a minor one for Rawls, but it serves to bring to light significant divergences between his theory and Kant's. Where for Kant the idea of contract concerns the evaluation of legal right and the enforcement of political authority, for Rawls it functions as a device of collective and binding *moral* decision. Although as with Kant the contract is explicitly hypothetical, for Rawls the notion of contract is fundamental as without agreement the principles would lack force:

'...the agreement in the original position is to be unanimous and yet everyone is situated so that all are willing to adopt the same principles. Why, then, the need for an agreement when there are no differences to negotiate? The answer is that reaching a unanimous agreement without a binding vote is not the same thing as everyone's arriving at the same choice, or forming the same intention.'[58]

Ignoring for the present the fact that this statement makes no sense whatsoever given the identical status of the parties, it does call attention to fundamental differences between Rawls and Kant. Despite the constraints imposed in the original position – regarding publicity, 'natural duties' to comply with just institutions, and the strains of commitment – moral principles for Rawls remain dependent upon agreement for their legitimacy. Even in a situation defined such that disagreement is a logical absurdity, a fictional 'binding vote' is deemed necessary in order to secure principles of justice. This connection between contract and principle contrasts starkly with Kant's understanding of autonomous rationality. Although Kant emphasised the public use of reason as that which 'alone can bring about enlightenment among men' this process, 'man's emergence

55 Immanuel Kant, 'Theory and Practice', in *Political Writings*, ed. H. Reiss, 2nd ed. (Cambridge, Cambridge University Press, 1991), p. 79.

56 Kant, 'Theory and Practice', 73.

57 Otfried Höffe, 'Is Rawls' Theory of Justice Really Kantian?', *Ratio* 26, 104-5 draws attention to this distinction between internal (moral-practical) and external (legal-practical) reason, emphasising that for Kant the theory of right 'only concerns external legislation. it does not concern that internal legislation which is the object of the theory of virtue or ethics in the narrow sense.'

58 John Rawls, 'Reply to Alexander and Musgrave', *Quarterly Journal of Economics* 88 (1974), p. 651.

from his self-incurred immaturity'[59] is a responsibility – described by Reiss as 'a moral duty for men to learn to use their reason independently'[60] – falling upon each person separately with regard to his own conduct. It in no way provides support for the impersonal abstractions advanced by Rawls. Although Kant's concern with liberty was moral rather than distributive there are broad compatibilities between his views and Rawls's on matters freedom and reason, but the collective choice of substantive principle presented by the original position is far removed from the independent and critical thought demanded of each individual by Kant.

In developing Kantian concepts through the original position in order to overcome commonplace objections to his philosophical ascendant[61] Rawls departs significantly from the source of his inspiration. His later writings continue to display the influence of Kant, but offer an amended account of the relation to Kant's work of Justice as Fairness. Drawing on a suggestion made by Ronald Dworkin,[62] the contractarian procedure of *Theory* is redescribed as 'constructivist' one, first presented as an explicitly Kantian[63] notion but later relabelled 'political'[64] as Rawls's own understanding of the methodology underpinning his doctrine evolved.

The significance of Rawls's constructivist turn is not immediately fathomable, as the 1980 lectures in which the term was introduced failed to make clear what Rawls understood by constructivism and if or how it differs from the contractarianism of

59 Kant, 'What is Enlightenment', *Political Writings*, p. 54-5. Similar sentiments are expressed in 'What is Orientation in Thinking', *Political Writings*, p. 249: *'To think for oneself means* to look within oneself (i.e. in ones own reason) for the supreme touchstone of truth; and the maxim of thinking for oneself at all times is *enlightenment.'* (Emphases orig.)

60 Kant, *Political Writings*, 256.

61 According to Kant human dignity is rooted in the capacities for freedom of will and rational thought possessed by the autonomous (noumenal) subject. Morality so perceived is without foundation; rather in some sense it *is* the rational freedom of the individual, being a qualitative characteristic of motivation rather than a feature of action itself – to be truly free is to act voluntarily according to duty apprehended through reason. The categorical imperative is a formal test of this motivational constraint, but in application the principle of pure practical reason encounters difficulties which primarily concern Kant's postulation of human reason and the moral law as universal properties of a transcendental subject, conditions of experience which are not susceptible to examination in its light. In practice *a priori* reasoning is unable to deal adequately with the complexities of phenomenal experience and so stands in an uneasy relationship to it. Most notably, it is unclear where rational argument separates from empirical situation and how pure practical reason is possible. Kant's categorical formula can be given ludicrous content in a noncontradictory manner, the unconditional nature of categorical duty cannot account for situations where the violation of established social norms is warranted, and in formulating maxims we inevitably draw upon empirical data, personal and historical experience and social contexts and values, as Kant did in his own writings on history and politics.

62 R.M. Dworkin. 'The Original Position', in Daniels, *Reading Rawls*, pp. 16-52. Dworkin suggests that the original position be seen as a construction predicated on a latent 'deep theory' presupposed by Rawls, namely that of the 'equal concern and respect' owing to all persons in view of their humanity. Rawls's constructivism does not follow that of Dworkin, being based on the moral powers ascribed to the self instead of a 'deep theory'.

63 John Rawls, 'Kantian Constructivism in Moral Theory', *Journal of Philosophy* 77 (1980), 512-572.

64 Rawls, *Political Liberalism*, 89-125. Rawls suggests that his 'political' constructivism 'as far as it goes' is compatible with Kant's more thorough 'moral' constructivism.

Theory. This obscurity is somewhat alleviated in later writings,[65] where four features of 'political constructivism' are identified in contrast to rational intuitionism, a *bête noire* familiar from *Theory*.[66] These characteristics specify (1) that principles *'may be represented* as the outcome of a procedure of construction', which (2) is based on practical reason, being concerned with the production of objects (in this case principles of justice) rather than theoretical knowledge of them. Political constructivism uses a 'complex conception of person and society to give form and structure to its construction' (3), and finally 'constructivism specifies an idea of the reasonable and applies [it] to various subjects: conceptions and principles, judgements and grounds, persons and institutions' (4).[67]

Rawls distinguishes his 'constructivism' by drawing attention to the (comprehensive) regulative role which the ideal of autonomy plays in Kant's doctrine, as opposed to the limited (political) autonomy of his own theory, which supposedly does not encompass the entirety of the moral life.[68] Although the demarcation of political and comprehensive moral doctrines is not made with reference to Kant, it could be seen as a parallel distinction to that noted earlier between legal and moral spheres within the jurisprudential elements of Kant's practical philosophy. This movement away from the interpretation of*Theory* suggests that in its evolved form the principles of justice no longer constitute categorical imperatives and that although Justice as Fairness *can* be supported from a comprehensive Kantian position, as an uncontroversial political conception its defence might also draw upon any number of other available comprehensive doctrines. To do so however overlooks Rawls's acknowledgement that 'the roots of constructivism lie deep in Kant's transcendental idealism'[69] and emphasises his developments at the expense of the more significant methodological continuities with *Theory*, particularly those involving Kant and the original position.

65 Rawls, *Political Liberalism*, 93f., also 'Themes in Kant's Moral Philosophy', in Eckart Förster (ed.) *Kant's Transcendental Deductions: The Three Critiques and the Opus Postuum* (Stanford, CA., Stanford University Press, 1989), 81-113.

66 Rawls, *Theory*, § 7, §§ 49-50.

67 Rawls, *Political Liberalism*, 93-4, emphasis added. I am concerned here to identify structural differences between contract and construct as presented by Rawls, rather than changes affecting the conception of the self, etc., which are addressed in Ch. 3.

68 Rawls, *Political Liberalism*, 99.

69 Rawls, 'Themes in Kant...', 98. Rawls draws particular attention (98-9) to three features of Kant's constructivism: (1) the content of the moral doctrine consists in the totality of particular imperatives which pass the procedure of conformity to the requirements of the categorical imperative; (2) which procedure is not itself constructed, but is rather laid out by the requirements of practical reason of which human understanding is implicitly aware; (3) although the procedure is not laid out, it has its basis in the conception of the person as free, equal and rational. This conception of the person is neither constructed nor laid out, but is rather 'elicited from our moral experience and prom what is involved in our being able to work through the [categorical imperative procedure] and to act from the moral law....' To the extent that these ideas are latent or implied in Rawls's own undertheorised constructivism, the inchoate Kantian dependencies of Justice as Fairness are as strong – if not stronger – than ever.

Rawls's comments partially clarify his revisions but leave much unclear regarding the precise methodological relation of *Theory* and *Political Liberalism*. Rawls has however indicated his approval of Brian Barry's explanation of constructivism,[70] in the process shedding a little light on what remains a technically obscure theoretical conception. According to Barry, in its most general form constructivism is simply 'the doctrine that what would be agreed on in some specified situation constitutes justice.'[71] This underwhelming piece of information is fortunately supplemented by a set of useful stipulations. Since whatever emerges from and is traceable back to the initial situation is to count as just,[72] it would appear that Rawls is no longer tied *ex ante* to his particular principles; rather than defining the situation to arrive at the desired result, he (may) now perceive his task as one of arriving at the most satisfactory account of a decision situation in order to see what is constructed within it as justice. Secondly, Barry claims that as an instance of 'pure procedural justice' constructivism is distinct in that 'the constructing is to be done by a theorist and not by the people in the situation themselves.'[73] Two accounts of procedural justice so emerge: 'actual', where a procedure is implemented and the result labelled 'just', and constructivist, 'a matter of deducing (or speculating about) what rational actors *would* bring about.'[74]

With the caveat that because Rawls's principles are prediscursively established the speculation concerns the characterisation of the procedure rather than the results of its enactment, Barry's account of constructivism appears to (roughly) correspond with Rawls's method in both *Theory* and *Political Liberalism*. In the process he offers a potential resolution to the problem of contract in Justice as Fairness. As a speculative device which is hypothetical in a strong sense – it dispenses with the need for an imaginary conclave, and does not require that an accommodation be reached or a contract made – constructivism appears to revoke the need for a contract and its attendant difficulties. The abandonment of a binding vote is likely to revive concerns regarding the legitimacy of principles, but given that any form of hypothetical reasoning is necessarily problematic, a 'constructivist' scheme might be preferred simply on grounds of parsimony.

The general relation of contractarianism and constructivism is ultimately an opaque one, but this interpretation is at least consistent with Rawls's statement that justice 'cannot be ascertained by pure procedural justice as realised by deliberations of the parties

70 Rawls, *Political Liberalism*, 90 n.1, 'only Scanlon and Barry understand constructivism as I do, although their constructivisms are different.' My comments here are limited and do not consider differences between Barry and Rawls on other matters.

71 Barry, *Theories of Justice*, 268.

72 Barry, *Theories of Justice*, 266.

73 Barry, *Theories of Justice*, 268.

74 Barry, *Theories of Justice*, 268.

on some actual occasion....[It] must be determined by reasoning analytically...by solving the agreement problem as posed by the original position.'[75] Both theories rely on hypothecated decision under variously specified conditions of questionable adequacy, and Rawls's constructivist innovations do not make a decisive contribution to the problem of justification. Barry's comment here is much to the point: '[the] theories are what they are, and it would be a mistake to think...contractualism provides a key to understanding them in terms except their own.'[76] In either case the defence of a view as either constructive or contractual can be no stronger than the particular arguments made in its favour. The ambiguities and presuppositions detailed above raise the suspicion that Rawls's own background theories, judgements and intuitions play a much stronger role in defining the structure and argument of Justice as Fairness than the analytic pretensions of the methodological framework suggest. Evaluating the original position and the model of the self constructed within it must therefore proceed by determining whether the elements within it really are as uncontroversial as Rawls avows.

[3] Reason, Self-Respect and Primary Goods

THE OBJECTIVE OF THE SELF in the original position is to secure optimal conditions in order that it may express its nature as a free, equal and rational being through the formation and pursuit of a life plan consistent with Rawls's primary goods. Superficially these generalities appear innocuous, as Rawls intends – given a choice between greater or lesser distributive shares of primary goods it would indeed seem irrational to answer in the negative. As abstract prerequisites of *any* life-plan, however, their status is more difficult to establish. The original position understands society as a 'co-operative venture for mutual advantage'[77] between individual bearers of potentially conflicting interests, and results in a general conception of justice which is deemed impartial insofar as it does not favour any particular life-plan or conception or the good.[78] Within this scheme, however, individual autonomy functions as an ordering principle which necessarily delimits the range of possible life plans between which principles of justice are impartial. When drawn in this manner, it is clear that the hierarchy of value imposed by Rawls is far more controversial than it initially appears. The 'perspective of eternity'[79] turns out to be inhabited by a sovereign liberal self, whose choice and independence is defined by the possibilities afforded by Rawls's index of self-referential primary goods. Rawls's

75 Rawls, Political Liberalism, 273-4. A longer version of this statement, taken from Rawls's Dewey Lectures, is quoted by Barry, *Theories of Justice*, 267.

76 Barry, *Theories of Justice*, 270.

77 Rawls, *Theory*, 4.

78 Rawls, *Theory*, 94.

79 Rawls, *Theory*, 587.

method is not only biased against conceptions of the good which are not structured in this manner; they are inconceivable within its terms and so irrelevant to the original position.

Commitments and conceptions of the good can, and often do, fail to coincide with Rawls's requirements in a fundamental way. A view emphasising desert as a criterion of distribution, or the establishment of particular relations of production, or an ethic of benevolence, or the importance of direct rather than representative political practices, or the fostering of a civic bond favouring virtually *any* alternative ethical priority is likely to find itself frustrated in a society regulated by principles of justice founded on independence and disinterest rather than, for example, mutual concern. Such ideals are regarded by Rawls as contingent preferences, knowledge of which would pollute the transparent universality of the original position with particular interests. But as Nagel suggests, '[i]f someone favours certain principles because of his conception of the good, he will not be seeking special advantages for himself...he will be opting for principles that advance the good for everyone as defined by that conception.'[80] Given that the Rawlsian contractor has access to the 'general facts' about society he is presumably aware of the prevalence of such views, information which potentially precludes agreement according to Rawls's model on the grounds that the regulative priority of liberty might structurally exclude the realisation of his conception of the good.[81]

This is not to claim that the original position models a simple egoistic psychology. As Rawls notes[82] the abstraction of the choice situation and its resulting equality of application articulates a position where the rights and claims of others, as well as the choosing self, receive identical consideration. Self-interest under conditions of uncertainty is held to correspond to disinterested choice, i.e. what *would* be chosen by genuinely impartial persons in the absence of the veil of ignorance. This equation of ignorance and impartiality does not however address criticisms regarding the individualistic perspective forced by the knowledge constraints. Irrespective of Rawls's stated intention to secure equal concern for the parties, the self-interest modelled in the original position does not

80 Nagel, 'Rawls on Justice', 8.

81 Consider for example Rawls's claim, *Theory*, 258, that the principles of justice are compatible with a range of basic structures so wide as to allow for either capitalist or socialist economic systems to prevail. This is blatantly contradicted by his comments at 280-281 that '[s]ome socialists have hoped to set up an economy in which men are moved largely by social and altruistic concerns....the theory of justice assumes a definite limit on the strength of social and altruistic motivation.' From the original position the theory of justice assumes ignorance of such motivations (assuming that socialist commitment constitutes a conception of the good) which, combined with the specification of disinterest and of property rights amongst the basic liberties, entails the ultimate adoption of an economic system along the lines of a typical 'mixed' western model. Such a conception does allow for a range of redistributions compatible with the difference principle, but precludes the adoption of an economic system grounded in a supposedly controversial ethical conception. Given that parties in the original position are aware that their conception of the good might be social or altruistic in nature, it becomes a moot point whether any agreement could be reached.

82 Rawls, *Theory*, 147-148.

allow for the presence of options such as those mentioned above in either the choice situation or the basic structure of the eventuating well-ordered society. It is inaccurate to label Rawls a crude atomist, but the original position unmistakably defines a self whose concern for others is self-related rather than other-related, and identifies Rawls as a thinker who has more in common with the possessive individualism of Hobbes and Locke than he might care to acknowledge.

Assuming that an agreement *does* take place, the fate of bearers of non-individualist views in the well-ordered society seems less than secure. The freedom of choice entrenched by Rawls's first principle and theory of primary goods privileges under the disguise of neutrality – where, as Nagel notes 'there is no neutrality to be had' – an individualistic ideal 'according to which the best that can be wished for someone is the unimpeded pursuit of his own path.'[83] Towards the end of *Theory,* Rawls comments of those whose proclivities favour 'unjust' actions that ultimately 'their nature is their misfortune,'[84] an assessment which might be held to apply in varying degrees to any conception of the good which is not fully congruent with Rawls's ideal. Bearers of life-plans demanding an alternative ordering of priorities might well find themselves tolerated, but where the final court of practical reason intractably embodies as a norm the individuated conception of the self depicted by Rawls, the ambitions of such persons would be consistently frustrated by the institutions, practices and public standards of society. Relative to the model inscribed within the original position such preferences would appear as either *irrational* or at best *less rational* departures from the archetype.

As an example of irrationality in the well-ordered society Rawls offers the example of an idiosyncratic grasscounter.[85] He invites us to take pity on this unusual case as an antisocial neurotic, but eventually concedes the possibility that counting blades of grass *might* be considered rational if it makes that individual happy. This is, however, a head scratching concession in the face of the incomprehensible. The attempts of fellow citizens to find 'a feasible way to alter his condition'[86] would surely undermine the self-respect of the grass counter, whose way of life elicits a response of indifference or condescension, rather than the social recognition and affirmation of *his* individuality which might foster a sense of that most important of primary goods, self-respect. As Bonnie Honig comments, when confronted by such 'irrationality' citizens of the Rawlsian polity are unable to demonstrate solidarity or toleration with their fellows, behaving instead 'like a case worker...it seems likely that they would, at the very least, urge him to seek

83 Nagel, 'Rawls on Justice', 9-10.
84 Rawls, *Theory,* 576.
85 Rawls, Theory, 432-3.
86 Rawls, Theory, 432

psychiatric counselling...although justice as fairness is supposed to support each individual's self-esteem, it does not do much for the grass counter's.'[87]

The case of the grasscounter merely exemplifies the weakness of an approach which regards self-respect as a by-product of the public expression of principles[88] which define distributions of abstract goods amongst morally, spatially and temporally undifferentiated agents. In less extreme instances individual self-respect is also called into question by Rawls's understanding of life-plans as arbitrary interests rather than values and commitments which embody meanings varying from the banal to the profound. Rawls assumes firstly that primary goods are suitable objects of distribution, and secondly that they are of nominally equal value to all, regardless of the value placed upon them by particular individuals.

This strategy is indifferent to the fact that beyond the veil the value of liberties to those concerned will depend upon the various plans of life they maintain. Without knowledge of particular interests it is impossible to gauge whether or not a primary good is compatible a conception of the good, or how the exercise of a liberty by others might impact upon a person's ends or sense of self worth. Furthermore, Rawlsian selves are not prepared to sacrifice *any* of their basic liberties in exchange for a greater share of material resources despite the correlation between wealth, status and power in market economies, and the consequent fact that under capitalist conditions the value of 'basic liberties' depends to a considerable extent on the possession of adequate economic means.[89] Given this uncertainty and an awareness that in practice liberties often conflict in complex ways which offer no obvious, mutually acceptable resolution,[90] Rawls's argument from self interest in the original position assumes rather than demonstrates the priority of basic liberties and primary goods, and so describes a course which is not obviously rational *or* prudential for his contractors to follow.[91]

87 Bonnie Honig, *Political Theory and the Displacement of Politics*, (Icatha and London, Cornell University Press, 1993) 152-155.

88 Rawls, *Theory*, 179.

89 Although Rawls can claim that the circumstances of justice and the redistributive effects of the difference principle justify the priority of liberty as 'if the parties assume that their basic liberties can be effectively exercised, they will not exchange a lesser liberty for an improvement in economic well-being' (*Theory*, 151-152). The determination of the appropriate threshold relative to the conditions and development of any particular society renders such considerations highly indeterminate, and does nothing to address the problem of the possible adverse affects of various liberties on particular life plans.

90 The extent and definition of the 'basic liberties' and their relations is envisaged by Rawls as taking place subsequent to the framing of principles according to a majoritarian model of imperfect procedural justice (*Theory*, 224-228). However, such procedures come into play only after the basic principles and lexical ordering are considered settled, after which the original position turns into something like the Philadelphia convention, Mk.2.

91 As argued by H.L.A. Hart, 'Rawls on Liberty and its Priority', in Daniels, *Reading Rawls*, 230-252, and by Norman Daniels, 'Equal Liberty and Unequal Worth of Liberty', 253-281 of the same volume.

The ignorance of the parties in the original position so renders them incapable of determinate choice given the possibility that their actual interests beyond the veil might conflict with their hypothetical interests as self-interested 'maximinimizers' behind it. This does not force the conclusion that the conception of the self presented is inadequate, but does suggest that in the absence of sufficient information the thin theory of the good cannot uncontroversially support Rawls's principles of justice (or anyone else's). Aspects of Rawls's doctrine might well be *included* within an account of the conditions likely to engender a sense of self-respect, but only as part of a more complex conceptual model than that provided by *Theory*. The goods which supposedly constitute the bases of self respect are not susceptible to simple distribution.[92]

Rawls's appeal is to the formal interests of the self irrespective of their content, and his strident anti-perfectionism[93] promotes a model of reason which is blind to the intricacies subsumed under the label 'self respect'. Although it involves aspects of individuality, self–respect also engages identifications and meanings which are not reducible to the expression or outcome of behaviour regulated solely by Rawls's principles. The creation and consolidation of self–respect requires social process of recognition and affirmation which call for more sophisticated explanations than those couched in terms of individuation and mutual non–interference. In this wider sense, self–respect extends to the contexts within which choices are valued and supported as worthwhile, admirable and worthy of realisation rather than futile, pointless, degrading, and so on. Although the value of favoured goods for *me* rests on their being *my* choices, their intelligibility and significance both for myself and for others cannot be dependent on that fact alone (witness the situation of Rawls's grasscounter), but also on the availability and social recognition of a range of goods, and the character of one's relationships to and with various social and institutional 'others', within a particular social environment. As far as Rawls is concerned, such factors are extramoral contingencies which cannot impinge upon the bargaining game. The rarefied abstraction of the original position cannot account for such factors, and as a result places more weight on concepts of autonomy, neutrality, and non–interference than they can credibly bear.

Rawls outlines social relations in the well–ordered society in the latter third of *Theory*, describing an ideal harmony of groups and individuals upholding natural duties of

92 A similar argument to this is made by Iris Marion Young, *Justice and the Politics of Difference* (Princeton, Princeton University Press, 1990), esp. Ch.1. Young notes that although questions of distribution effect power, influence and self-respect, such concepts are 'relational' rather than individualistic, and goes on to analyse *injustice* in terms of relations of domination and oppression. For the present purposes I am only attempting to suggest that the idea of self respect is a more complex one than suggested by Rawls's description of the original position.

93 e.g. Rawls, *Theory*, §50.

civility and forming bonds of reciprocal sentiment in the course of associations where '[i]n all cases, the scope of this morality is governed by the principles of justice.'[94] Compounding his difficulties involving reason and primary goods, Rawls's 'morality of association' is unable to comprehend that many indisputably rational conceptions of the good rely upon social meanings, human motivations and relationships, and orderings of rational interests which are incompatible with those privileged by Justice as Fairness.

Under examination the conceptions of reason and interest manifested behind the veil of ignorance cause it to be simultaneously too 'thin' *and* too 'thick'. It is too thin in that it does not, as intended, offer a perspective relevant to any and all persons, modelling instead an individualistic, instrumentally calculating subject, motivated by self-regard in a situation where autonomy is synonymous with an ambivalent estrangement from others. This does allow the possibility of a range of decisions and preferences, but only within a narrow field of potential plans of life which although prevalent are by no means predominant within late-modern society. On the other hand, the veil is too thick in that the level of abstraction from particularity required by Rawls's initial situation distances the self from its interests and motivations in a form which is sufficiently extreme to make any decision on regulative principles impossible. The prospect that one's fundamental interests would not coincide with Rawls's ideal beyond the veil prevents the determinate choice of principles which might systematically undermine conditions needed to sustain a meaningful sense of self-respect, conceived in the wider context suggested above.

[4] Circumstances of Justice and 'General Facts'

From the above it appears that the self constructed by the original position is, *prima facie*, an implausible conception in an almost inconceivably abstract situation. But for Rawls this is obviously not the case: the original position presents conditions which 'we' actually do accept as in some sense 'our' own. The fairly common criticisms detailed in the previous sections pay insufficient heed, it might be argued, to either the information which the parties *do* have regarding the facts and circumstances of human society, or to the careful formulation of the original position as a procedure producing

[94] Rawls, *Theory*, 467. Although 'this morality' regards the proper scope of authority and command, the quotation indicates the tone of Rawls's discussion throughout the final sections of *Theory*. In the following section, for example, he notes that 'the content of the morality of association is given by the moral standards appropriate to the individual's role in the various associations to which he belongs' (467). This painful tautology might seem innocuous, but given that Rawls takes associations to consist of anything from the family to the nation, it illustrates the inability of principles of justice to account for motivations and sentiments which surpass considerations of the rights and duties pertaining between individuals. Although not in principle opposed to the 'interesting class of supererogatory acts' (116) i.e. those not motivated by pure self-interest or obligation, he regards such motivations as unusual and controversial, finds them difficult to deal with within a morality of parsimonious obedience of principle, and arguably ignores the prevalence of such motivations and actions within 'ordinary' social life.

principles which exert a claim of reason upon our actions. To concentrate on a single issue – such as the importance of particularity – results in a overly literal reading of the original position, which is merely an attempt to 'generalize and carry to a higher order of abstraction'[95] social contract theory in order to provide a systematic account of considered moral judgements.

This defensive interpretation of Rawls's method suggests that the original position allows the formulation of principles in a manner which precludes the distortion of deliberation by biased or irrelevant interests, conflicts between which are fundamental to the issues which justice seeks to resolve. To arrive at an account able to transcend and resolve these contingent but incorrigible antagonisms requires the attainment of a 'level of abstraction to which we must ascend to get a clear and uncluttered view of its roots.'[96] Sufficient knowledge is therefore provided regarding freedom and equality, co-operation and conflict, economic and social goods, etc., for a procedure to be envisaged using abstract conceptions which, although necessarily idealised, are consistent with ordinary non-philosophical judgement and commendable to reason as the basis of a theory of justice. An exposition along these lines sounds, as Rawls might say, both reasonable and uncontroversial. But as with the notion of primary goods, beneath the theoretical surface this is not the case. Choosing between a range of possible theories drawn from 'the canon', the Rawlsian self has available whatever 'general facts' are required in order to arrive at a determinate, unanimously acceptable decision congruent with the boundaries of argument erected by the original position. But the form of this 'knowledge' and its role within this underdetermined decision problem is at best obscure.

Circumstances of justice are held by Rawls to obtain in any society and 'set the stage for questions of justice.'[97] The parties are to assume from that social relations beyond it will be dominated by the competing claims of self-interested agents. Supererogatory motivations and altruistic sentiments between persons are contingent rather than normative factors in a life where co-operation seeks, in the first instance at least, to secure self-referential advantage. As a condition applying in Rawls's estimation to *any* society, this assumption – which previously caused problems for the Kantian interpretation – suggests that justice is itself contingent upon the prevalence of these circumstances and is not in fact the unconditional first virtue proclaimed from the outset of *Theory*. A great deal of weight thus hangs upon the empirical existence of the circumstances of justice, because to the extent that they do not obtain – for example where a strong consensus exists regarding alternative 'first virtues' which subordinate

95 Rawls, *Theory*, viii.

96 Rawls, *Political Liberalism*, 46.

97 Rawls, *Theory*, 130. The following remarks are largely drawn from Michael J. Sandel, *Liberalism and the Limits of Justice*.

Rawls's ordering - a deontological conception need not prevail and the central presupposition underlying Justice as Fairness collapses.

This indeed appears to be the case upon a cursory examination of even modern capitalist societies,[98] where value conflict is often present within but not wholly determinant of social and institutional relationships. As Sandel notes, conflict which does pertain is likely to coexist with a range of competing principles and motivations within institutions embodying 'common identities and shared purposes...whose presence signifies the relative absence of the circumstances of justice. Although [they] might well exist in all of these cases, they would not likely predominate.'[99] The 'objective' characteristics of modern society do not uncontroversially warrant the emphasis in the original position of the 'subjective' conflict of the parties potential interests. This occurs at the expense of a possible mutuality which might well outweigh, or mediate the resolution of, persistent disagreements. Rawls's assumption that justice be considered the first virtue lacks warrant, and even where correct must be demonstrated rather than presupposed.

Granting the possibility that relations within any potential society *might* be characterised by endemic conflict,[100] a second difficulty emerges regarding circumstances of justice. *Theory* consists of Rawls's articulation and defence of his favoured interpretation of the original position, but as he makes clear 'I shall not, of course, actually work through this process'[101] (from deliberation in the original position to arrival at a state of equilibrium). The text is full of comments, asides, references, comparisons with competing theories and so on, often resulting in confusion as to whether arguments are directed towards: (1) the construction and defence of Rawls's methodological apparatus; (2) the reasoning of the parties in the original position; (3) to why a particular part of that reasoning is acceptable given the construction of the original

98 For a plausible sociological argument suggesting that even within structurally individuating capitalist societies self-interest is not the predominant motivation within social or economic relations, see Amitai Etzioni, *The Moral Dimension: Toward a New Economics* (New York, Free Press, 1988), esp. 36-67.

99 Sandel, *Liberalism and the Limits...*, 31. Sandel's examples cover a continuum of possible associations including neighbourhoods, cities, universities, trade unions, ethnic, religious and cultural groups, established nationalisms and so on. Although it is oversimplistic to suggest that conflict and dissensus within groups does not take place, the examples do suggest that such disagreements as do take place are mediated (or are amenable to mediation in the light of) common purposes and beliefs which are prior to, but not necessarily incompatible with, principles of justice.

100 Which is arguably all that Rawls strictly needs to establish, rather than the strong empirical claim made in the text. Given that prudence in the original position leads parties to reason (maximinimally) as if they were to assume a position in the least advantageous social category, there is no reason why they should not also assume that circumstances of justice may apply, and treat such an eventuality similarly as a 'worst case scenario'. Such might entail that if beyond the veil conditions are more advantageous then the status of principles chosen might be attenuated, perhaps even rendered irrelevant in a manner which Rawls wants to avoid given the strong claims made for justice in *Theory*, but an explanation along these lines would avoid the unsustainable claim that *all* human society is irrevocably conditioned by circumstances of justice.

101 Rawls, *Theory*, 21. This comment is explicitly directed towards reflective equilibrium, but falls within the introductory exposition of *Theory*, and is wholly consistent with the course of the argument developed in the remainder of Rawls's text.

position; (4) against alternative methods of reasoning which might challenge the results which Rawls is seeking to defend; or (5) to the implications of these results within a description of the formation and realisation of the well ordered society.[102]

Although related, these areas of argument (and further categories could certainly be determined) are distinct, with the latter three drawing on information which would be denied to parties in the original position. Moreover, details of the information available to the bargaining game and the uses to which it is put in the course of the deliberations are not explicitly set out by Rawls. Much of the argument supporting his principles relies on the prediscursive assumption identifying justice with inviolability, and the technical argument for the Pareto-optimality of the difference principle as a maximin compatible solution to the question of distribution under uncertainty.[103] Neither discussion attempts to model what might possibly transpire within a situation attempting to actually produce principles by carefully observing the procedures set out in *Theory*.

Identification of the precise information available and how it might be applied in the original position is therefore largely a matter of conjecture. Assuming that a wide range of suitably ubiquitous information *can* be identified, the non-specific 'facts' and 'theories' allowed by Rawls into the bargaining game are open to question on at least three levels. Firstly, there are few if any uncontroversially established facts and theories from even the most general viewpoint.[104] Secondly, even when presented in a purely abstract form, theoretical arguments are typically not simply comprehensible in themselves, requiring a general awareness of the issues and contexts involved in order to be adequately understood. The original position screens out the narratives of the history of ideas and it is unlikely that the concepts employed therein could have concrete meaning for parties denied awareness of the social, historical and intellectual backgrounds relevant to the facts and theories admitted into the decision process. Without such knowledge, the basis upon which the reasoned formation, comparison and evaluation of sets of principles might occur is not clear. Finally, as with the reason and interests of the parties, without knowledge regarding one's own conception of the good a vacuum of uncertainty remains at the centre of original position. Providing information about theory and society does not address the problem that the Rawlsian self, ignorant of how 'general facts' might apply in particular cases, lacks criteria upon which to base the decisions which determines its life chances beyond the veil.

102 A personal but not unusual reaction. See for example Hare, 'Rawls' Theory of Justice', esp. 84-87, 97-102, and Brian Barry, *The Liberal Theory of Justice* (Oxford, Oxford University Press, 1973), 1-4.

103 Rawls, Theory, §§ 12-14.

104 For example, do the parties get the 'general theories' of Bentham, Marx or Keynes on political economy? Hegel and Nietzsche as well as Kant on ethics ? Freud, Jung or Lacan on psychology, and so on through the relevant disciplines...? A great deal of general theory might be ruled out of the original position due to the limited ratiocination permissible under the constraints of right, and the test of reflective equilibrium is similarly ambiguous.

One means of accounting for the presence of general information within the original position is by emphasising the bargaining game as a guide to intuition.[105] Such an explanation could allow intuitive conceptual understanding to be ascribed to the parties consistent with a set of established pre-philosophical judgements. It could only do so, however, by undermining the stated structure and purpose of the original position. As the outcome of the decision process, according to Rawls justice is not innate, self-evident or a transcendental property of reason. It is hence neither a direct product of nor is available to deduction from intuition alone.[106]

Rawls does refer to the contractarianism of the original position as an intuitive idea suitable for the clarification of justice because its abstraction 'enables us to envision our objective from afar.'[107] But he is referring here to the *idea* of the scheme rather than its detailed implementation, and the extent to which intuitions are admissible within the decision situation must be limited by its constraints. For example, intuitions favouring forms of teleology, perfectionism or utilitarianism would fall foul of the preinscribed deontology of the original position, or would, *if* allowed into the bargaining process, be ruled out of any agreement at an early stage. For such information to play a significant role in the process a far more relaxed set of constraints would be required, but as noted earlier, the definition of the original position is expressly designed to produce the required answer – Rawls's two principles. Given that a wider range of intuitions would challenge and contradict Rawls's own assumptions, it is likely that an alternative version of either the original position, principles of justice or both would be required. The admission of a spectrum of viewpoints would otherwise amplify differences in viewpoint rather than affording a means for their resolution.

The status as well as the content of intuition is important to the integrity of the original position, as Rawls's treatment of them as unproblematic judgements overlooks considerable uncertainty regarding their origin and significance. Given Rawls's repudiation of controversial metaphysical sources, it is clear that Justice as Fairness should regard intuitions as part and product of the contingent experience of subjects beyond rather than behind the veil of ignorance. Inherently varied and particularistic, intuitive knowledge is of a type which is not open to 'distribution' behind the veil of ignorance, and moreover is unintelligible without reference to the conditions under which it was acquired by agents in the world. In a Wittgensteinian formulation, Rorty captures this position concisely when he explains intuitions as manifestations of the language games in which an agent participates.[108] Against this understanding P.F.

105 This interpretation of the original position is suggested by Rawls in *Theory*, 20-22. The extent of Rawls's reliance on intuitionism is criticised by Hare, 'Rawls' Theory of Justice', 83-84.

106 e.g. *Theory*, §7, §§49-50. See also p. 256, 'Nor are these notions purely transcendent....'

107 Rawls, *Theory*, 22.

108 Richard Rorty, *Philosophy and the Mirror of Nature*, 34.

Strawson claims the existence of 'a massive central core of human thinking which has no history',[109] and Jürgen Habermas upholds the notion of 'a universal core of moral intuition in all times and in all societies.'[110] Rawls's position on the question is predictably equivocal: on one hand the anti-realism of his constructivism appears to align him with Rorty's perspective; on the other his appeal to a recognisably Kantian conception of autonomy, and his presentation of principles of justice as final and conclusive – *'there is no second chance'*[111] – imply an interpretation consistent with that of Strawson and Habermas. This could allow Rawls to import information and judgements into the process, but given the radically unclear epistemic status of intuition he could only do so extremely controversially, transgressing the limitations of the original position and compromising its purported role as a device of abstraction and clarification.

Because *Theory* lacks a clear account of the origin and status of intuition, it fails to consider the potential fallibility – extending to absurdity and idiocy – of unexamined judgements and assumptions. Although the requirement of 'due consideration' might be taken to rule out obviously nonsensical examples there is no *prima facie* reason to assign credibility to intuitions, and Rawls does not provide arguments to the contrary. If intuition is to be regarded as an authoritative source of information then the excruciating detail and supposed rigour of the original position becomes irrelevant. Although Rawls is correct in maintaining that a tenable account of justice must comply on some level with commonly held judgements, the appeal to intuition can only be a minor premise in justification, not a major component of the decision process itself. Recourse to intuition thus cannot render the vague idea of 'general facts' intelligible within the original position, and any attempt to achieve this end compounds rather than resolves the indeterminacies of Rawls's approach.

A weaker interpretation of the decision process is, however, arguably available to Rawls. Trading on the 'intuitive' appeal of the contract[112] at the expense of the detail of its development, it suggests that the components of the original position outline a way of thinking about justice which is essential to any equable discussion of the subject. Setting aside the detailed objections, an approximation of the decision procedure can be conceived which is intentionally vague regarding the detail of the knowledge available to the contractors. Such a construal sacrifices much of the analytical rigour Rawls claims for his effort to 'strive for a kind of moral geometry'[113] but may allow for the formulation

109 P.F. Strawson, *Individuals: An Essay in Descriptive Metaphysics* (Oxford, Oxford University Press, 1959), p. 10.

110 Jürgen Habermas, *Autonomy and Solidarity: Interviews* (London, Verso, 1986), 206.

111 Rawls, *Theory*, 176.

112 An appeal which the Wittgensteinian account suggested by Rorty might account for by elucidating the penetration of social relationships by legal and commercial terminologies.

113 Rawls, *Theory*, 121.

of his principles, and lend credence to the claim that '[a]t any time we can enter the original position...by arguing...in accordance with these restrictions.'[114]

If this weak interpretation of the original position is in any way convincing, it is because under the rubric of 'general' or 'intuitive' facts it allows particularistic information to be covertly imported into the bargaining game. It becomes plausible by ignoring the detail of Rawls's development in order to plug the most obvious lacunae highlighted in the preceding discussion. The very need for this departure from the text suggests, however, that an alternative conception of the original position to that favoured by Rawls is called for from the outset. Although there are innumerable possible permutations of the decision scenario, for the present purposes the fundamental areas of contention concern the personal knowledge and the motivations ascribed by Rawls to the contractors. Helpfully, in describing the features of the original position he provides a brief taxonomy of alternative possibilities[115] which effectively maps out the road not taken at various major points in the development of *Theory*. As alternatives to the veil of ignorance Rawls acknowledges the possibility of either 'full' or 'partial' knowledge being allowed in the original position, and rather than mutual disinterest suggests that either 'elements of social solidarity and good will' or a state of 'perfect altruism' might prevail in the relations between the contractors.[116] Discounting the likelihood of 'perfect altruism' between the parties (which would obviate any need of justice), and the usefulness of 'partial knowledge' (which, without detailed elaboration, is all but meaningless), we are left with a collection of parties aware of their mutual interdependence and shared interests (expressed as solidarity), deliberating with good will from a position of adequate knowledge (regarding themselves, their interests and the condition of their society).[117]

Such a scenario *could* overcome some problems of knowledge and deliberation which Rawls creates, perhaps involving the imposition of milder constraints to secure a less abstract impartiality. For example, the implementation of requirements for publicity and universality might be deemed sufficient, as impartiality does not obviously demand ignorance on the level demanded by *Theory*. Given that participants are identified in a climate of goodwill, with equal and public bargaining resources, recognising the 'strains of commitment' and the need to arrive at a mutually acceptable resolution of their conflicts, it is not clear that the higher level of abstraction created by Rawls's flight from contingency and particularity is either helpful or attainable. There is no compelling cause

114 Rawls, *Theory*, 19.

115 Rawls, *Theory*, 146-147.

116 Rawls, *Theory*, 146.

117 The list provided by Rawls could of course be supplemented and argued about at great length, as alternative interpretations of 'full knowledge' can easily be construed as variations on the theme. For example, Nagel, 'Rawls on Justice', 8, suggests that 'One might think it would be an improvement to allow the parties full information about everyone's preferences, merely depriving them of knowledge of who they were.'

to assume that persons are incapable of calm argumentation within an appropriately defined full information situation with the ambition of either bringing into focus the common ground shared by persons with ostensibly disparate interests, or determining an acceptable trade off between the demands of those interests.[118]

The original position can supposedly be entered into whenever the need arises, by whoever so desires, in order to determine or confirm the fairness and rightness of Rawls's principles. Parties in the bargaining game do not know who or where they are, and so could turn out to be anyone, anywhere. The original position is so formulated in order that we might view the world *sub specie aeternitatis*.[119] Rawls's resistance to the introduction of specific information is grounded in his understandable but overweening ambition to describe conditions which support his own favoured principles. With this objective in mind, he notes that 'we would not be able to work out any definite theory of justice...[w]ithout these limitations on knowledge...the original position would be hopelessly complicated,'[120] claiming that all that could be agreed in a more wide-ranging scenario is 'a vague formula stating that justice is what would be agreed to without being able to say much, if anything about the substance of the agreement.'[121] This claim does not however bear scrutiny. The problem which the veil of ignorance addresses is that of arriving at Rawls's principles and it is not the case that without the veil agreement is impossible, because what is at stake is not agreement as such, but agreement on the finality of Rawls's ahistorical and universal norms.[122]

[118] An agent's awareness of certain facts about himself, his status and talents etc.... does not prevent the assumption of an impersonal perspective when thinking about general arrangements. One can adopt personal and impersonal perspectives when looking at such issues, but the two will necessarily be related in that making sense of one view will inevitably draw on the insights of the other (i.e. to recognise a motive as impersonal might require one to identify and make distinct personal interests, and vice versa). *Contra* Rawls, it is not the case that thinking impersonally requires the imposition of stringent information constraints; rather, such constraints make thinking impossible.

[119] This latinism occurs in the final paragraph of *Theory,* (p. 587). Quite what Rawls means by the use of 'sub specie aeternitatis' is something of a mystery given that the phrase, 'perspective of eternity' resonates with metaphysical implications and antecedents. Sandel, *Liberalism and the Limits...,'* 132, sees the passage as a radical reinterpretation of the original position, as 'the language of choosing and willing is displaced by the language of seeing and perceiving, as the voluntarist image of Kant gives way to the cognitive image of Spinoza' (in whose *Ethics* the phrase occurs). The ambiguity of Rawls's final paragraph, his constant emphasis on the voluntaristic nature of the original position as a choice procedure and his denial of a metaphysical conception of reason or subjectivity entail that this is a somewhat overoptimistic and under-demonstrated interpretation. It might also be suggested, for instance, that Rawls's attempt to provide a 'moral geometry' mirrors Spinoza's attempt to show that explanation must proceed deductively from fundamental axioms – although such an interpretation would obviously move Rawls away from Kant and towards Hobbes as well as Spinoza. Rawls's almost casual use of *sub specie aeternitatis* lends itself to such readings, but without further textual elaboration attempts to recover his intentions here are speculative in the extreme.

[120] Rawls, *Theory,* 140.

[121] Rawls, *Theory,* 140.

[122] Although *Theory* leaves the establishment of equilibrium as an open-ended process, given the fixing of principles under conditions of unanimity and strict compliance in the original position, the fundamental principles (rather than the practical detail of implementation) of justice are not obviously open to revision.

It is the ambition of the agreement demanded, rather than the demand that an agreement be made, which leads to the imposition of ignorance in the form specified by Rawls, whose insistence on the validity of his favoured principles leads him to unjustifiably discount the possibility that an alternative construction might produce an equally if not more acceptable agreement under different conditions. In particular, the claim that alternative characterisations of the original position would result in a vague and less useful formula fails to consider that a less specific but more effective and justifiable account of justice might be produced.

For example, what Rawls would reject as a 'vague formula' might take the form of a procedural *method* of doing justice, rather than the *theory* offered by Rawls which circumscribes the terms of debate regarding justice by fixing principles prior to their application in concrete social contexts. Indeed, as Stuart Hampshire's account of 'basic procedural justice'[123] indicates, such a result need not be a vague formula at all. Hampshire offers an interpretation of justice as a procedure of argument, deliberation and adjudication between conflicting claims. Drawing upon the history of ideas rather the abstraction of the original position but writing at a similarly general level, Hampshire's deliberative injunction is more narrowly procedural than Rawls's principles. Underlying substantive conceptions of justice which are inherently variable 'because of their derivation from different conceptions of the good, and because they have their roles in different ways if life flourishing at different times'[124] Hampshire's approach declines the burdens of assumption which undermine Justice as Fairness. In consequence the ahistorical, universal and impartial claims advanced on behalf of his minimal procedure are far more plausible than Rawls's, benefits which clearly outweigh the costs of generality incurred by his approach, which at no point succumbs to vagueness. This proceduralism is not the only alternative available[125] but is the most elegant, and effectively demonstrates how Rawls's insistence on conditions uniquely conducive with his own preferred principles leads to the premature rejection of potentially viable alternatives. The formation of an agreement on principles other than Rawls's is a likely outcome, perhaps explaining his unfortunate reluctance to explore some of these possibilities, which *could* complicate the decision process but need not do so inordinately.

[5] Representation and Deliberation in the Original Position

Rawls's depiction of the circumstances of justice is no less vulnerable than the other elements of the original position. They are open to rather obvious historical and

123 Stuart Hampshire, *Innocence and Experience* (London, Allen Lane, 1989), 72-8, 142-6.

124 Hampshire, *Innocence and Experience* , 187.

125 The most prominent being Brian Barry's construction of *Justice as Impartiality* (Oxford, Clarendon Press, 1995), Ch. 3-4.

sociological objections, and the notion that 'general facts' might be either identified or rendered conceptually intelligible to the subject behind the veil is predictably suspect. Making sense of the original position entails recourse to a weaker 'intuitionist' interpretation of the bargaining game, but to do so necessarily undermines the rigour of the limitations it seeks to comprehend. Alternative characterisations of the bargaining game are more plausible than Rawls allows, but call into question the aims of *Theory*, as convergence upon the required outcome would be, if not impossible, considerably less likely.

Returning from speculative digressions to the detail of Rawls's method, it is notable that although the original position partially *defines* the self through the limitations of its reason and understanding, it does little to *describe* it, its role in the original position, or its relation to the world where the veil is an esoteric philosophical device rather than an everyday tool of reason and judgement. This brings into view the question of precisely who or what is in the position of choice behind the veil of ignorance, and how reasoning undertaken behind it can have force for those not subject to its conditions who are quite reasonably unmoved by appeals to either Kant or reflective equilibrium. Rawls claims that persons might enter the original position at any time simply by imposing the required conditions on their reasoning. This implies a straightforward correlation between parties behind the veil of ignorance and people outside it, but despite the complexity and sophistication of the original position this relationship is never explicitly established.

Rawls's terminology – which this discussion has for the most part followed – refers to the bargaining game as a meeting of hypothetical 'parties' or 'persons'. The notion that original position thinking can be undertaken by actual people reasoning in accordance with its limitations suggests a plurality of individuals bearing potentially differing interests and preferences, as well as the shared objective of agreement regarding justice. Rawls's comment that 'persons in the original position know that they already hold a place in some particular society'[126] strongly suggests that they represent the interests of a correspondent plurality of actual individuals in order that by inference the results produced are deemed applicable beyond the veil. Simply stated, in the original position reasoning proceeds as if each person in an underdetermined but nevertheless presumably existent society was 'represented' within the decision process.

Elsewhere, however, it is equally clear that this is not the case, and nor is it obvious precisely what *is* being represented, or how the original position represents it. Rather than presenting simple individuals, Rawls also depicts the self in the original position as

126 Rawls, *Theory*, 166.

being the representative of a genetic line, or the head of a hypothetical family.[127] At another point in the text he writes about evaluating the application of principles to the basic structure from the viewpoint of a representative from the least advantaged social position or class.[128] Compounding this confusion still further, in an essay published contemporaneously with *Theory* [129] he states that participants might assume the status of a range of:

'nations, provinces, business firms, churches, teams and so on. The principles of justice apply to conflicting claims made by persons of all these separate kinds. There is, perhaps, a certain logical priority to the case of human individuals. Nevertheless...[a]s I shall use the term 'person,' then, it will be ambiguous in the manner indicated.'[130]

This astonishing quotation illuminates the uncertainty of the 'parties' described by Rawls, an ambiguity of some importance given the Archimedean status accorded the self which supposedly inhabits the original position. The failure of *Theory* to distinguish pertinent differences between representatives of social positions, genetic lines, or simple individuals, indicates that as far as the bargaining game is concerned, there are none. Although this can be taken as confirmation that the most logical – and charitable – interpretation envisages a conclave of individuals[131] it also attests the uncertainty regarding precisely what is being represented which is manifest throughout *Theory*. Furthermore, the list from 'nations' to 'teams' above refers to such entities as *'persons* of all these separate

[127] Rawls, *Theory*, 128-9. This is in order that in order that they be concerned with the welfare of their descendants, ultimately expressed in the form of the just savings principle (§ 44). Given the ahistoricity of the original position, however, this approach towards justice between generations is unnecessary: as they are framing ideal principles which are supposedly valid irrespective of circumstance, 'strict compliance' entails that they recognise the need to provide for their descendants irrespective of the contingencies of genealogy, and assume that those preceding and following them will recognise principles of justice, and act similarly.

[128] Rawls, *Theory*, 96-9. Although this section is not an argument directed to the workings of the original position its sense, and the language deployed within it, render the arguments compatible with it. For example, 'relevant representative men, therefore, are the representative citizen and those who stand for the various levels of well being' (p.96), 'persons in the original position understand the difference principle to be defined in one of these ways' (p. 98, regarding the definition of classes and social positions), suggesting that the original position can somehow be seen as populated by a range of representatives of various social groupings in society.

[129] John Rawls, 'Justice as Reciprocity', in Samuel Gorovitz (ed.) *Utilitarianism* (New York, Bobs-Merrill, 1971), 242-268. An editorial note refers to this article, presumably without sarcasm, as 'the previously unpublished underground classic' (p X). Although not strictly coextensive with *Theory*, the proximity of the two texts and the relevance of the article to the present discussion legitimates the emphasis placed upon it here.

[130] Rawls, 'Justice as Reciprocity', 245.

[131] Following *Theory*, 130, where Rawls claims that the original position models 'relations of *individuals* to one another which set the stage for questions of justice' (p. 130, emphasis added), and the most obvious and textually consistent understanding of the agent in the original position is to see it as an ahistorically individuated thin self. As the alternatives merely illustrate how the original position *can* be interpreted from the standpoint of the family, or from class interests and so on, for purposes of elucidation without at all altering the rationality of the self in seeking to maximise its life chances in terms of primary goods. Regardless of its hypothetical constituency of representation, the self's primary interest is that of securing the conditions for its own self-determination.

kinds', a generalisation which is, to say the least, question begging. Were Rawls to claim that institutions might be *represented* by specific, clearly defined persons then his terminology might be more acceptable, but no such discrimination is advanced. Rawls's remarks suggest that as far as the original position is concerned, institutions, nations and so forth can be considered 'persons' or 'parties' independent of any further elaboration.[132]

This indeterminacy can arguably be overcome by recalling the individual inviolability which entails that 'the worth of institutions is derived solely from the benefits they bring to human individuals.'[133] Given this guarantee what is presumed to constitute a 'party' in the original position is unimportant. Defenders of Rawls have suggested, for example, that the parties might proceed by examining the question of choice from the perspective of every possible social position which they might find themselves inhabiting.[134] Alternatively, they 'can be thought of as representing distinct communities.'[135] It seems to be the case that it doesn't matter *what* we presume to insert into the bargaining game, so long as 'it' is deemed capable of recognising the correctness of the resulting principles. The outcome of the original position is dependent on the definition of the appropriate circumstances, which produce the desired principles, which are in turn defined to order to protect the non-negotiable status of the individual. Ambiguities regarding the precise definition of 'person', 'party' or 'self' are therefore superfluous – what counts is that whatever 'it' is occupies the suitably defined Archimedean point. The most obvious and elegant description of the original position places the individual at this privileged site, but if for some exegetical purpose an alternative is preferred then for Rawls it will be equally acceptable, as the same result must necessarily emerge. The self in the original position appears to be an extremely 'thin' figure indeed.

This convenient interpretation is open to objection on at least two counts. Firstly, Rawls states that his conception of the person *provides* the Archimedean point, rather than that the Archimedean point exists separately from and is merely occupied by the self.[136] Secondly, although it is conceivable that family heads, representative men and self-interested individuals *might* agree on the same principles in the original position, it is not clear that they would do so on the same basis. Opting for principles because they

132 Rawls uses 'person' and 'party' interchangeably throughout *Theory* (or appears to do so). The motivation for the use of the word 'party' is not explicit, but the term does reinforce the idea of the original position as a contractual scheme.

133 Rawls, 'Justice as Reciprocity', 245.

134 Susan Miller Okin, 'Reason and Feeling in Thinking About Ethics', *Ethics* 99 (1989), 247-9. This position is, however, practically equivalent to an 'ideal observer' theory, which Rawls attempts to render distinct from the original position at *Theory*, 186-188 on anti-utilitarian grounds.

135 Allen E. Buchanan, 'Assessing the Communitarian Critique of Liberalism', *Ethics* 99 (1989), 864.

136 Rawls, *Theory*, 584.

maximise the prospects of a family line, a particular group, or an abstracted individual concerned solely with its own finite welfare need not proceed in the same manner or for the same reasons. The original position would, however, deny the self in the original position (whatever its presumed status) the resources to understand and make distinct possible differences between these interests. The assumption that what is good for the individual is obviously good for families and classes *of* individuals, regardless of their particular interests, at best demands further explanation and at worst is simply unwarranted. Although institutions of various types can be characterised by their internal norms, purposes, structures and practices, which in turn constitute the standards of rationality according to which they operate, without a detailed examination of such elements it makes no sense whatsoever to suggest that they can simply be dropped into an original position at the level of abstraction posited by Rawls.

The indeterminacy of Rawls's method carries one final consequence to be examined here. As the self cannot be related specifically to any actual or presumed 'person', and it makes no sense to speak of there being a plurality of them engaged in debate, 'they' are identical representations of a single normative entity. Rawls is aware of this incongruity and notes the one advantage which it entails, but only some of the concomitant difficulties. The gain which the uniform identity of the 'persons' secures for Rawls is that when the various conditions which constitute the original position are rigidly enforced, the possibility of non-agreement is eradicated. The decision situation is simplified in that all is convinced by the same arguments, and it happily follows that as the choice one is necessarily unanimous 'we can view the choice in the original position from the standpoint of one person selected at random.'[137] Less happily, Rawls's choice of expression here is to say the least misleading. Given the precise equality of the parties it is more accurate to say that there is only *one* choosing agent in the original position, the choice of which is binding (or, if one is determined to maintain the fiction of pluralism within the bargaining game, that a potentially infinite number of perfect clones are present). It is not the case that this self might be selected 'at random', as there are no meaningful pluralities to be negotiated, conflicts adjudicated or differences recognised. There is in fact no debate to be had. The original position delineates a chain of reasoning to be followed – all that the self can do is confirm that Rawls's principles are produced by the various mechanisms of the original position, which as well as being a 'hypothetical' choice situation is an entirely redundant one.

This observation makes apparent a significant perplexity present throughout Rawls's prose. He notes, albeit in a less than forthright manner, that the uniformity of the alleged parties projected into the original position effectively entails that he is

137 Rawls, *Theory*, 139.

constructing a single agent as the self within the choice scenario, and acknowledges that since no meaningful debate can take place within the scheme so defined, 'there follows the very important consequence that the parties have no basis for bargaining *in the usual sense*.'[138] But the text then proceeds *as if* a plurality of distinct selves inhabit the original position, and *as if* 'they' actually were engaged in a constructive debate. Rawls even suggests that a referee might be imagined, overseeing proceedings in the original position in order to arbitrate, enforce constraints, prevent the formation of coalitions, and so on. The postulation of such a figure is allegedly 'to make the circumstances more vivid', although he concedes that the referee 'is actually superfluous.'[139] Rather than being merely superfluous, however, the notion, along with much of the language employed in the elaboration of the original position, is disingenuous. Invoking a plural vocabulary throughout, Rawls goes to great lengths to sustain the fiction that a genuine multiplicity of interests inhabit the original position, where this is simply not the case. To do otherwise would not only be grammatically cumbersome; it would render fully apparent the incomprehensible nature of his continued insistence that the original position depicts a meaningful choice situation, in however unusual a sense.

Incidentally, given that one of Rawls's objectives in *Theory* is to decisively supplant utilitarianism as a political creed, the fate of the Rawlsian self is of ironic significance. In Rawls's own estimation 'the most natural way...of arriving at utilitarianism...is to adopt for society as a whole the principle of rational choice for one man.'[140] The original position comes perilously close to this formula, albeit in the form of a single, highly abstracted chooser rather than a benevolently impartial ideal observer. As Hare witheringly notes, 'We can indeed easily sympathise with [Rawls] who, having been working for the best part of his career on the construction of 'a viable alternative to the utilitarian tradition' discovered that the type of theory he had embraced...led direct to a kind of utilitarianism.'[141] Rawls's principal objection to utilitarianism is that it 'does not take seriously the distinction between persons.'[142] The original position contentiously (on the 'clone interpretation') does secure this distinctness through the level of its abstraction, but does so not just by bracketing, but by sacrificing the particularity of the individual. This strategy undermines the credibility of the original position at every turn, and prevents it from modelling an intelligible account of the difference and antagonism which pluralism – between groups, cultures *or* individuals – involves, an omission which carries decisive and recurring consequences for Justice as Fairness. As it is through

138 Rawls, *Theory*, 139. Emphasis added.
139 Rawls, *Theory*, 139.
140 Rawls, *Theory*, 26-7.
141 Hare, 'Rawls' Theory of Justice', 91.
142 Rawls, *Theory*, 27, passim. This ambition also further warrants the strategy of ignoring confusions regarding the identity of the self and assuming that by 'person' Rawls is referring to discrete individuals.

difference and particularity that individuality acquires meaning, to the extent that Rawls succeeds in establishing the separateness of the self in the original position his victory is a Pyrrhic one.

THE RAWLSIAN SELF IS CONCEIVED through a series of unsustainable devices and assumptions which make a rigid application of the original position all but impossible; the parties are not allocated sufficient knowledge, understanding or grounds upon which to base the decisive agreement envisaged by Rawls. Familiarity with the contractual metaphor obscures the incoherence of the original position as developed by Rawls, but when the composite elements of the methodology are examined in turn the absurdity of the overall scheme becomes apparent. As Susan Hurley suggests, when strictly interpreted the original position is 'a case in which language carries us along into mistakenly assuming we can make sense of a construction, because there is, so to speak, grammatical space for it, which in fact does not make sense.'[143] This discussion has traced difficulties surrounding the original position in considerable detail in order to revisit criticisms and questions asked of *A Theory of Justice* that are no longer prominent in current philosophical debates, but which, as the impact of his constructivism is not decisive, remain urgently relevant to the assessment of Rawls's theory, and also to the wider discourses of 'the Rawls industry' engaged in the project of refining and justifying a modern philosophy of liberalism, be it 'political' or neo-Kantian in form. The following chapter explores the consequences of Rawls's methodological inadequacies through Michael Sandel's interrogation of the 'unencumbered self', and assesses prominent attempts by supporters of Rawls's to defend Justice as Fairness against its 'communitarian' critics.

143 S.L. Hurley, *Natural Reasons* (Oxford, Oxford University Press, 1989), 381.

CHAPTER THREE

THE UNENCUMBERED SELF

[1] INTRODUCTION

WITH THE OVERLAPPING AMBIGUITIES and weaknesses of Rawls's methodology established, for purposes of intelligibility this discussion will proceed as if it were unproblematically the case that an individual is referred to by Rawls's use of 'person', 'party' and so on throughout *Theory*. At an abstract level the depiction of this discrete entity is not unduly difficult to grasp, but under close examination the assumptions about the self manifested in the original position provoke a troubling set of questions concerning the viability of both Rawls's project and the approach to liberal political philosophy for which Justice as Fairness is paradigmatic.

Rawls constantly draws attention to the 'free and equal' status accorded to the self in order to legitimate the agreement he produces as a 'fair' and hence commendable one. Reasoning in the original position is 'free' in being neither constrained nor determined by controversial, contingent or arbitrary doctrines or forces, and 'equality' is similarly defined in terms of absence rather than presence, as ignorance prevents the directing of reason in favour of any particular interests or conceptions of the human goods and purposes. A quite profound state of insensibility is so taken by Rawls to 'represent equality between human beings as moral persons, as creatures having a conception of their good and capable of a sense of justice.'[1] Whilst it makes no sense to consider this scenario a meaningfully plural one, to the extent that it represents a universal subjectivity, equality of application is notionally preserved by Rawls's conditions.

The freedom and equality of the original position is that of a(ny) subject conditioned by circumstances of justice, whose reason is limited by the constraints of right. Circumstances of justice operate as a background conditions, but the constraints of right play a more significant role within Justice as Fairness as a whole and on the self

1 Rawls, *Theory*, 19.

which inhabits the original position. In particular the difficulties raised in chapter two have profound implications beyond the veil of ignorance, involving issues and assumptions illuminated by the detail of Rawls's proceduralism which are perhaps only implicit, or go unnoticed, in less fastidious formulations of philosophical liberalism.

These questions have been most fully explored by Michael Sandel, whose *Liberalism and the Limits of Justice* marked something of a turning point in the field of 'Rawlsian studies'. Although the critical response to *Theory* was a massive one little of it could be said to have fundamentally undermined the status of Rawls's work.[2] Sandel's investigation is clearly animated by concerns shared with 'communitarian' authors such as Charles Taylor and Alasdair MacIntyre, but presents an analysis of considerable originality and clarity which cannot be simply assimilated with their works, or ignored on the grounds of this presumed association.[3] His critique is narrowly focused upon Rawls's Archimedean point[4] and does not attempt to usurp *Theory* externally by, for example, advocating an alternative set of principles. His exploration of the original position and its assumptions instead documents the origin and extent of the difficulties which Rawls must address if the two principles of justice – particularly the difference principle – are to be rendered theoretically consistent and practically relevant to 'us' as situated agents within a social world rather than hypothetical agents confined within a thought experiment. The following discussion offers a largely sympathetic account of *Liberalism and the Limits of Justice* (a task undertaken by few of Sandel's contemporaries), before considering the responses elicited by his work from a number of writers

[2] Although Robert Nozick, *Anarchy, State and Utopia* (New York, Basic Books, 1974), Ch. 7 fiercely and influentially criticised Rawls's second principle (albeit from distinctly shaky grounds) his discussion is mediated by the acknowledgement of *Theory* as 'a fountain of illuminating ideas, integrated together into a lovely whole' (p. 183), 'the reader will not know how whole a theory can be until he has read all of Rawls' book' (p.230).

[3] For example, John R. Wallach, 'Liberals, Communitarians, and the Tasks of Political Theory', *Political Theory* 15, 609 n. 35 describes Sandel's argument as 'a dehistoricized, analytical distillation and application of MacIntyre's views'. The textual similarities he notes in justification of this claim (Sandel 179, MacIntyre, *After Virtue*, 220) overlook the use of an almost identical phrase by F.H. Bradley, over a century earlier in his *Ethical Studies* (2nd. ed., Oxford, Oxford University Press, 1927), 173. In a similar vein, Kenneth Baynes, *The Normative Grounds of Social Criticism* (Albany, NY., SUNY Press 1992), 214 n.16 claims that Sandel's critique of Rawls 'is virtually the same as MacIntyre's critique of the emotivist self' – despite the fact that MacIntyre's analysis is part of a sweeping chastisement of the results of the so called 'enlightenment project', whilst Sandel's work, as noted below, is a philosophical analysis very much centred on Rawls which makes no mention of Stevenson or ordinary language philosophies. Although MacIntyre, Sandel and Bradley undoubtedly exhibit a similar outlook regarding the claims of individualist philosophy, it is a mistake to emphasise overlapping concerns or occasional textual similarities at the expense of a more detailed examination of the relevant authors.

[4] A point that tends to be obscured by Sandel's synonymous use of 'deontology' and 'Liberalism' in e.g. Ch. 1 of *Liberalism and the Limits*...where the Liberalism envisaged could be more accurately identified as the contemporary neo-Kantian form indebted to Rawls, rather than Liberalism *per se*. Although in this respect a more nuanced presentation might enhance Sandel's analysis, it should be noted that he explores the relationship between Rawls, Kant and Hume with at least as much care as any of his fellow commentators.

sympathetic to Justice as Fairness, and finally turning to Rawls's own modified version of his doctrine.

[2] The Unencumbered Self

Proceeding from Rawls's elevation of the right over the good, Sandel's analysis works in detail from the text of *Theory*[5] in order to reveal and interrogate the character-type envisaged by Justice as Fairness. Because the structure of the original position precludes it from being a conceivable contractual situation – be it hypothetical or otherwise – principles of justice are not objects of will or choice, as Rawls's voluntarist vocabulary implies.[6] They are instead contrived in procedural conformity with the standard of rightness that is designed into the original position as part of the rationality attributed to the parties and buttressed by the other elements of Rawls's methodological apparatus. The priority of right is hence a decisive characteristic of the Rawlsian self, and understanding it entails, according to Sandel, establishing what it means to be a self for which the right is prior to the good, which is prior to the goods it affirms, and whose interests are *of* the self rather than *in* the self, since '[f]or justice to be the first virtue...we must be creatures of a certain kind, related to human circumstance in a certain way.'[7]

Sandel acknowledges that the theories expounded by Rawls and his contemporaries exhibit a powerful philosophical appeal. Freed from the dictates of nature and circumstance, the autonomous subject superficially appears to be a distinctively modern, liberated figure. Equipped with the facilities to determine and follow regulative principles, and to devise and pursue a unique plan of life within the ideal social framework thereby created, this liberal self seems to epitomise the liberal ideal of the self-legislating individual. But in making explicit the pre-eminence of right at an unprecedented level of detail – which it must be conceded is greatly to Rawls's credit – it emerges that his configuration of the subject involves the projection of an extremely problematic relationship between the self, its 'contingent' set of attributes and its 'chosen' system of ends or conception of the good. The metaphorical raising of the veil of ignorance is not an occasion meriting either applause or an encore; it instead marks the onset of further difficulties for the Rawlsian self.

As the independence of the self is secured in the original position and carried over beyond it, the autonomy of the individual is invulnerable to the vicissitudes of contingency and circumstance. The maintenance of this independence and security

5 Sandel also draws upon Rawls's John Dewey Lectures, first published as John Rawls, 'Kantian Constructivism in Moral Theory', *Journal of Philosophy* 77 (1980), 515-572, and revised in *Political Liberalism*, Lec. 3, as discussed in §4 below.

6 Sandel, *Liberalism and the Limits...*, p. 130.

7 Sandel, *Liberalism and the Limits...*, 175.

involves a level of abstraction which defines the self in advance of, and as sovereign over, its ends and attributes. This position involves a set of *a priori* judgements which are not explicitly discussed in *Theory*, an unsurprising evasion given that one of Rawls's aims is to construct a recognisably Kantian theory which is not susceptible to metaphysical critique. The deferment of these issues by Rawls does not however lessen their pertinence to the evaluation of his theory.

Sandel's analysis of Justice as Fairness contends that the abstraction of the original position constitutes the self as an 'antecedently individuated'[8] and 'unencumbered'[9] entity, defined without regard to the embodied agents to which it is supposedly related outside the veil of ignorance. Identity is therefore bounded prior to, and irrespective of, the engagement of the subject in social processes of thought and action. These constraints are significant because insofar as the self and its conduct are regulated outside the veil by the reasoning and principles envisaged within it, Rawls's constraints delimit three sets of relations, obtaining: between the self and its various attributes (i); between the self and others within the compass of its social environment (ii); and regarding the self – relation of the agent, i.e. its cognitive and reflexive capacities of self–understanding, evaluation and transformation (iii). In each instance Rawls's normative ideal is revealed to be deeply flawed. The sociological and empirical difficulties attendant upon the positions developed in the original position are symptomatic of rather than causal to the problems facing Rawls, which ultimately arise from the conception of self demanded by his deontological commitments. This unencumbered self is, Sandel argues, both incoherent and manifestly false to the complex phenomenology of moral agency as variously understood and experienced in the course of ordinary life.

Firstly, the *a priori* bounding of the self describes a metaphysical substrate 'standing behind' an agent's particular characteristics, which as the locus of moral worth assumes 'a dignity beyond the roles which he inhabits and the ends he may pursue.'[10] Prefigured in the original position as distinct from and empowered over its various ends and attachments, Rawls's unencumbered 'subject of possession' is related to its attributes by a distance consistent with their arbitrary status. Discounted as interests of rather than in the self – '*mine* rather than *me*' – [11] and a matter of willing rather than being, the freedom, reason and equality of the self is affirmed by right in advance of any particular embodiment and irrespective of 'contingencies' such as action, belief, ends and circumstances. This even-handedness might be welcomed as a laudable manifestation of Rawls's egalitarian sensibilities, but it carries significant philosophical consequences. The

8 e.g. Sandel, *Liberalism and the Limits...*, 53-59, passim.
9 Sandel, 'The Procedural Republic...', 86-87.
10 Sandel, *Liberalism and the Limits...*, 19-20.
11 Sandel, *Liberalism and the Limits...*, 55, emphasis original.

autonomy secured by Rawls's procedure is so thoroughgoing that the self, *qua* subject of justice, is both unchanging and unchangeable. As Sandel notes, for Rawls 'the continuity of our identity is unproblematically assured. No transformation of my aims and attachments could call into question the person I am, for no such allegiances, however deeply held, could possibly engage my identity to begin with.'[12]

This distancing of the self causes severe problems for Rawls's conception. In particular, it implies that the ends of the self are not only arbitrary for justice, but are also irrelevant to the subject. Always critically separated, no attachment can be sufficiently thoroughgoing to, or inalienable from, the self to either define or call into question his identity, or to impinge upon the regulative status of the two principles of justice. Although the capacity for autonomy of the putative agent is preserved by Rawls's construction, the purported impartiality of the original position severely underestimates the importance for identity of reflection, decision and action. Within Justice as Fairness poetry and pushpin are not only equal, but equally insignificant to the identity of their enthusiasts. Rawls's concern with the formal powers of the self does not discriminate between trivial and fundamental aspects of identity, and the distance established between the self and its ends indicates a presumption in favour of the former rather than the latter which undermines both the individual inviolability supposedly vouchsafed by the priority of right, and the credentials of Justice as Fairness – already identified as perilously close to a form of 'ideal observer' theory – as a systematic alternative to utilitarianism.

Understood as an unencumbered entity, the fragility of the Rawlsian self arises in more than one guise. Always isolated by the relation of possession, the attributes of the self are at least as susceptible to incursion as under utilitarian alternatives. Given that Rawls's understanding of the moral point of view sees all such elements as arbitrary for identity, the 'possessions' of the self are extraneous in terms of justice and distribution – hence no harm is necessarily caused by their appropriation within the framework delineated by constraints and principles of right. On one hand this can be seen as an affirmation of the morally equal status of each individual irrespective of his or her uncontrollable and undeserved luck or misfortune. Less charitably, Sandel claims that it articulates the less pleasing view that 'strictly speaking, no one can be said to deserve anything...on Rawls' view, *people have no intrinsic worth.*'[13] The question of the grounds of desert is a vexed one, and Rawls's position generated a detailed but rather inconclusive debate[14] which is not a major concern of this discussion. On a general level it is however

12 Sandel, *Liberalism and the Limits...*, 179.

13 Sandel, *Liberalism and the Limits...*, 88.

14 The most important contribution to which is Nozick, *Anarchy, State and Utopia*, especially pp. 213-227. Sandel draws upon his arguments throughout *Liberalism and the Limits...*, e.g. 77-103. The related issue of Rawls's denial of moral desert in questions of distributive justice, and contradictory invocation of it in order to justify the punishment of reprehensible acts is discussed by Honig, *Political Theory and the Displacement of*

of note that although committed to the protection of the individual, the priority assigned to the right pushes Rawls to defend a structure which alienates the self from its attributes and denies the importance of that which it initially seems designed to protect.

The impact of the fissure posited by Rawls between the self and its attributes is twofold: it undermines the identity of the self and the bases of desert and self ownership, and precludes the engagement of the self with various goods, attributes, etc., in what Sandel terms a *constitutive*[15] sense. As the name suggests, constitutive goods refer to aspects of personality which are intimately bound up with identity. Rather than being held at a distance through a mediating relation of possession, constitutive attachments fundamentally structure the self-conception of situated, embodied agents. Implicated in the ensemble of circumstances, commitments, abilities, ideas of the good and so forth through which the self interprets and comprehends both himself and the world, constitutive factors penetrate the self in a thorough manner, as characteristics without which the subject would be at a loss if challenged to offer a self-description.

Describing a deeper relation between the self and its faculties than that permitted by Rawls's methodology, constitutive goods comprehend aspects of personality and character in a fairly uncomplicated way. Being *me* rather than *mine* they are theorised as fundamental aspects of identity rather than arbitrary manifestations of moral fortune, and are not susceptible to philosophical doubts concerning justification, ownership or desert.[16] Furthermore, by invoking a conception of the self as a substantive, embodied being, constitutive goods call attention to the location of the self within contexts which inform (but do not determine) the understandings maintained by the self of himself, the world and the relations obtaining between the two. The formation of these understandings is irreducibly reflexive, as the self is always a part of and active within the world which is interpreted. Reflexivity does not diminish the importance of contexts, which exist before the self as part of an unfolding social and cultural environment in which he is a participant but over which he is never wholly sovereign. The recognition that meanings and values are neither originated nor wholly controlled by the self implies acknowledgement that the exercise of autonomy is necessarily circumscribed, but also made possible, by the contexts within which identity is located and developed over time.

Amenable to interpretation and revision in the course of reflection and agency, the adoption and internalisation of meanings, values and goods by the self emerges from

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Politics, 137-145. See also George Sher, *Desert* (New Jersey, Princeton University Press, 1987), esp. chapters 2, 7, and 9.

15 e.g. Sandel, *Liberalism and the Limits...*, 59-62, 148-151.

16 Sandel, *Liberalism and the Limits...*, 82-5. Here Sandel concurs with Nozick, *Anarchy State and Utopia*, 224-7, who argues that persons may legitimately have attributes without deserving them 'all the way down'. Sandel further comments that the whole idea of an antecedent basis for desert is an incoherent one, since within such a scheme desert must be ascribed to a (metaphysical) subject existing prior to possession, which must itself lack the basis for such an attribution.

Sandel's critique as a cognitive process of exploration, reflection and discovery, rather than the voluntarist exercise of an unconditioned will. Accounting for the formation of identity within social, cultural and historical contexts does not deny the importance of will, or of freedom of belief; that a sincerely held conviction must be affirmed 'from the inside' of consciousness is not in dispute. The theory of constitutive goods does suggest, however, that neither the form nor content of a person's self-conception can be prefigured without reference to the situations in which they are engaged. Reflection upon one's identity (and relation to justice) is a process of evaluation where moral and cognitive imagination does allow for the adoption of a critical perspective, but where 'the distance is always precarious and provisional, the point of reflection never finally secured'[17] outside the self. Rawls's strategy of individuation can contentiously be held to respect the separateness of persons, but in so doing he eradicates differences which, rather than being arbitrary and contingent, are coextensive with the distinction between persons which he seeks to preserve.[18]

Processes of identification and individuation emerge from this analysis as ongoing projects within complex and fluid but nevertheless discernible contexts of meaning and intelligibility. In the absence of an Archimedean point, the range of values available to the self might be compatible with Rawls's principles of justice, or contradict them, or go beyond them (for example in expressing benevolent or altruistic motivations.) But their importance to the subject will be as the product of conditioned evaluation in concrete situations, without which the bare capacity of choice functions as a purely formal device. Reflection might well involve consideration of Rawls's principles and some of the supporting arguments offered for them, but their acceptance (or otherwise) will involve concerns exceeding the limits of the original position. Similarly the outcome of deliberation is unlikely to be conditional on either the identification of the subject with the model presented by Rawls, or on the conformity of decisions with the constraints on reasoning imposed by the methodology of his bewilderingly abstract decision situation.

This failure to take goods and contexts seriously also permeates the second set of relations listed earlier, that between the self and others. Antecedent individuation imposes limits upon the sociality of the self, its receptiveness to others, and its range of possible understanding concerning both its own conceptions of value and those of others. Just as no possession (a particular disposition or commitment, for example), can engage the identity of the self such that it would be morally diminished by the absence, loss or forfeiture of that characteristic, no understanding can obtain between individuals or

17 Sandel, *Liberalism and the Limits...*, 179.

18 These concerns are by no means limited to 'communitarians'. See e.g. Bernard Williams, 'Persons, Character and Morality', Amelie O Rorty (ed.) *The Identities of Persons* (Berkeley and LA, UCLA Press, 1976) 210-211.

within groups which might assume constitutive significance for the interpretation of justice maintained by the self both separately, and in his relations with and conduct towards others

Rawls does not deny either the existence or the importance of associative relationships to the moral development of members of his ideally ordered society, at one point even admitting that Justice as Fairness, 'however individualistic it might seem...must eventually explain the value of community. Otherwise the theory of justice *cannot* succeed.'[19] Unfortunately, community and the associated virtues of civic friendship and co-operation arise as part of the 'morality of association', and are therefore unable to correct the deficiencies revealed in the original position. By entering into co-operative associations it is possible for each individual to 'participate in the total sum of the realised natural assets of the others,'[20] enjoying public goods, 'those instrumentalities and conditions maintained by the state for everyone to use for his own purposes.'[21] Although he allows for the existence of 'common activities valued for themselves'[22] the second quotation in particular suggests that community has value for Rawls primarily as a means of advancing interests of individuals, whose doubts regarding justice have been 'dispelled by seeing that their convictions match the principles which would be chosen in the original position or, if they do not, by revising their judgements so that they do.'[23]

This account of 'community' resolves into an explanation of how complementary interests might mutually advance ends and projects held by individuals whose association is a side-effect of their 'shared final end ...the successful carrying out of just institutions.'[24] The social relation here is contingent, the motivation prudential and self-interested. Rawls's descriptions of coinciding interest and complementary social unions seem innocuous, but manifest and extend the inadequacies of a self conceived without constitutive features. Rawls allows that co-operative virtues *might* prevail within a social union,[25] but they can only do so between individuals regulated in their relations by his two principles, a requirement which separates individuals from defining characteristics and from one another in advance of their self-knowledge. The original position does not

19 Rawls, *Theory*, 264-265, emphasis added.

20 Rawls, *Theory*, 523.

21 Rawls, *Theory*, 521.

22 Rawls, *Theory*, 525. Rawls somewhat mysteriously suggests that science and art 'provide ready to hand illustrations' of these common activities.

23 Rawls, *Theory*, 520.

24 Rawls, *Theory*, 525-527.

25 For example, Rawls suggests at *Theory*, 476-8, that the development of civic friendship requires the existence of a common sense of justice, consensus regarding which might even assume a form described as 'the love of mankind'. Such a regard for others is however discounted as a 'supererogatory' state of affairs, as are other forms of solidarity (i.e. altruism) which are not immediately reducible to motivations of uncomplicated self-interest.

isolate individuals from one another beyond the veil of ignorance – Rawls is not a crude 'atomist' in that sense – but it does limit the character of the bonds which emerge between them in society. Justice individuates, and does so immutably. The commitment to 'community' promised by Rawls is rhetorical and entirely without substance: Justice as Fairness is inadequate to his own criterion of success.

The conditions of the original position have already been found empirically dubious, there being no obvious reason not to assume that non-instrumental motivations might obtain between persons in a commonly defined position of freedom and equality. The identification of the unencumbered subject allows the question of disinterest to be addressed on a more fundamental level. As Sandel's analysis reveals, the self is disinterested *because* it is an antecedently individuated entity, not vice versa.[26] The *a priori* bounding of the self does not rule out the existence of a wide range of characteristics beyond the veil, but does entail that they are always subordinate to the normative identity rendered inviolate by the original position, and as such considered to be secondary features of the self. For Sandel this distinction is paramount – the self, and the idea of justice which is internal to it, are irrevocably entrenched in advance of its social embodiment and consequently restrict the character of relationships pertaining between persons, which are unable to engage identity in a way which challenges or exceeds the limits inscribed by Rawls's principles.

This analysis, initially as abstract and removed from any social or political situation as the theory it seeks to challenge, has consequences that are both immediate and practical. Denied the experience of its own attributes in a thoroughgoing manner, the self must be similarly debilitated with regard to others; in no relationship can identity be put into question, undergo transformation or overcome its rigid individuation. Just as the self is distinct from its own attributes, so it is always distinct from others. The priority of right excludes the possibility that conceptions of value might assume constitutive significance for identity, or might be strongly dependent for their intelligibility upon the contexts inhabited by the self. For example, models of reasoning and understandings of goods might develop over time in the course of civil association, rather than being prediscursive formulations that determine the shape of the well-ordered society. As Sandel puts it, Rawls 'rules out the possibility of a public life in which, for good or ill, the identity as well as the [contingent] interests of the participants could be at stake...that common purposes or ends could inspire more or less expansive self-understandings and so define a community in the constitutive sense.'[27]

26 Sandel, *Liberalism and the Limits...*, 60.
27 Sandel, *Liberalism and the Limits...*, 62.

Quite what such a 'public life' might resemble is obviously open to question, and is considered in more detail in the course of this essay. The critical force of the statement is, however, clear; that between individuated selves the possibility of a good which is genuinely held in common – rather than being an outcome of convergent individual interests – is foreclosed in advance by the conditions imposed by Rawls, whose 'shared final end' is the realisation of institutions ordered to facilitate the pursuit by each individual of his own life–plan. Where and how the interests of the self match those of others in the course of Rawls's co-operative venture for mutual advantage is for the purposes of justice a matter of coincidence. No identification with moral ideals or ethical perspectives can question the primacy of right, and no such commitments can define the individual's understanding of herself, or her relation to others, in a sense which might undermine the principles of justice and the model of the self which it enshrines: 'Not egoists but strangers, sometimes benevolent, make for citizens of the deontological republic.'[28]

Sandel's analysis exposes in full the practical implications of Rawls's theoretical weaknesses by making clear the gulf between the unencumbered self and the identities of situated agents bearing commitments, solidarities and conceptions of value in tension with Rawls's enterprise. Contra *Theory*, Sandel's critique recognises the dependence of the self upon the on the contexts against which the 'brute data' of the social world becomes intelligible, emphasising that the beliefs and commitments to which this comprehension gives rise are neither arbitrary from the moral point of view, and nor are they limited to the potential interests of the individuated subject. This is not a claim against individuality, but does suggest that a more nuanced conception of the self is required than that provided by Rawls. Sandel moves in this direction by emphasising that as conscious beings human self-understandings, although not (for the most part) pathologically unstable, are continuously open to revision in the light of experience and reflection.

Sandel's second major claim is that the antecedently individuated self is philosophically incapable of supporting Rawls's difference principle. Given the extreme rift described between the self and its attributes, Sandel contends that Robert Nozick's objection (that patterned redistribution involves the use of some persons as a means to the welfare of others) can only be met by the acknowledgement that the difference principle appeals to a wider subject than the antecedently individuated self. [29] By correlating the conception of common assets with a common (i.e. social) subject of possession in order to reflect a stronger moral bond obtaining between persons, 'the subject of possession' Sandel claims becomes, 'a 'we' rather than an 'I' which circumstances imply in turn the

28 Sandel, *Liberalism and the Limits...*, 183.
29 Nozick, *Anarchy, State and Utopia*, 226-228, Sandel, *Liberalism and the Limits...*, 79-81.

existence of community in a constitutive sense.'[30] The transitions in this argument from an individuated to an intersubjective conception of the self are (as Sandel concedes) only contentiously present in Rawls's text. The subtle shifts of terminology in the closing chapters of *Theory*, which move from the individuated subject towards the notion of a collectivity 'realizing their common nature' in 'the activities of many selves,'[31] are undeniably suggestive but cannot conclusively bear out this intersubjective interpretation. It is perhaps the case that Sandel reads into fragmentary comments what he wishes to find there. Regardless of this indeterminacy the main thrust of the argument, that we 'cannot be persons for whom justice is primary and also be persons for whom the difference principle is a principle of justice' is clearly borne out.[32]

As the bearer of an independent and unchanging identity, it appears to be the case that as well as precluding the possibility of the engagement of the self within a larger context such as the 'community' invoked by Sandel, Rawls also calls into question the third relation noted at the outset of this section, concerning the cognitive and reflexive capacities of the self. Antecedent individuation, Sandel argues, enervates the degree of self-knowledge and the capacities of agency available to the citizen of the well-ordered society. The autonomy central to Rawls's project entails that 'each person is free to plan his life as he pleases'[33] in conformity with the rationality set out in the original position and the principles of justice supposedly derived from it, with which all permissible life-plans must comply.[34]

The exercise of this autonomy by the Rawlsian self thus occurs strictly under the auspices of right, but Rawls does additionally provide a 'purely formal'[35] account of the good, charting the extension of the instrumental rationality of the original position into the deliberative rationality of the subject engaged in the framing of this life plan. This brief digression takes the form of an elaboration rather than a transformation of the subject beyond the veil. Consisting of a series of guidelines towards an acceptable outcome, Rawls's 'counting principles'[36] suggest that in determining a plan of life the individual will attempt to realise his preferences in the most effective, inclusive and efficient manner possible. Secondly, any plan of life should be feasible given the abilities of the person concerned, and the conditions in which he happens to find himself.[37] The

30 Sandel, *Liberalism and the Limits...*, 80.
31 Rawls, *Theory*, 527; 565.
32 Sandel, *Liberalism and the Limits...*, 178.
33 Rawls, *Theory*, 447.
34 Rawls, *Theory*, 31.
35 Rawls, *Theory*, 424.
36 Rawls, *Theory*, 415-6.
37 Rawls, *Theory*, 424-5.

final element is what Rawls somewhat dubiously dubs his 'Aristotelian principle'.[38] This proposes that since persons tend to draw satisfaction from the realisation of their various aptitudes in a complex manner (e.g. by honing a limited range of abilities and enjoying the subtleties involved in their practice) a life plan will be limited and ordered in the light of the preferences and opportunities open to the person, and designed to promote such a successful outcome. These claims are highly abstract, and arguably even platitudinous, but Rawls nevertheless regards them as significant, particularly the final instance which is presented as 'a principle of motivation [accounting for] many of our major desires...it expresses a psychological law governing changes in the pattern of our desires'[39] and moreover relates how the successful execution of a life plan 'allows a person to flourish.'[40]

The Aristotelian principle is arguably related to motivation insofar as it ensures that a given set of ends will be ordered and pursued with regard to the preferences, aptitudes and circumstances pertaining, but its explanatory emptiness illustrates the impoverished deliberative faculties of the Rawlsian self. The expressly formal notion of the good cannot refer, even on the most general level, to the content of the good, the types of activities which might be favoured and discouraged, or the considerations which might lead an individual to favour particular goods and practices over others.[41] Devoid of all substantive content it thus has little purpose as a *principle* of motivation, at best making clear that a rational plan will be one hierarchically ordered in a manner favouring the strongest preferences of the agent. It cannot account for the origin of these preferences, explain their significance for the self, or exert any determinate influence on the will or action of the individual as ordinarily implied by the word 'motivate', which suggests notions of e.g. causing motion and stimulating action.

38 Rawls, *Theory*, §65, pp. 426-431, although Rawls does hedge his bets regarding both the Hellenic origin and psychological accuracy of the 'Aristotelian principle.' At 426 n. 20 he acknowledges that the principle is only implicit in Aristotle's works, inferring that otherwise he would have identified it as 'Aristotle's Principle.' Although connections such as those identified can certainly be made from Aristotle (e.g. *Nicomachean Ethics* (trans. David Ross, rev. J.L. Ackrill and J.O. Urmson (Oxford, Oxford University Press, 1980), Bk. X.v, 1175a), the generality of Rawls's remarks makes their attribution to Aristotle somewhat superfluous.

Although describing it as a law which 'states a deep psychological fact' (432) Rawls acknowledges that 'it may have the ring of a philosopher's principle with nothing to support it' (431) but also refers to it as a tendency 'borne out by many facts of life'. He finally claims that his formal description of the good 'is satisfactory...even if this principle should prove inaccurate or fail altogether' (433), leaving the reader in some confusion as to whether this deep psychological fact actually is a necessary one within his account of the person, and the persons' good (references to it are scattered throughout the final sections of *Theory*), or whether it is simply another more or less useful but potentially misleading assumption.

39 Rawls, *Theory*, 427.

40 Rawls, *Theory*, 429. The use of 'flourish' here (other than at p. 529, the only occurrence that I have noted) is presumably intended to introduce resonances of *eudemonia* into Rawls's account of the good, but this tone is distinctly at odds with the sense and vocabulary employed in the rest of the work.

41 Rawls, *Theory*, 429.

Rawls's account of deliberation thus fails to consider a range of questions which one might expect to find addressed within an account of how a person might arrive at an understanding of their 'good'. Reflection takes place as the application of the ordering procedure by the subject on the range of desires and preferences to which he happens to relate at a given time. It involves a balancing of two sets of evaluations, regarding the likely outcome of a chosen course in terms of the successful attainment of the agent's desires, and the perceived intensity of desire associated with the relevant range of preferences. But as Sandel points out, '[i]n neither case does reflection take as its object the self *qua* subject of desires...[it] is scarcely a form of *self*-reflection at all...It does not extend its lights to the self standing behind the wants and desires it surveys.'[42]

It is not only the case that Rawls's account of deliberation *does not* extend to the self as an object of concern; it *cannot* do so without compromising the model of the self elaborated in the construction of the original position. Epistemologically prior to any empirical manifestation, the Rawlsian self is secured against the possibilities of experience precisely in order that principles of justice constitute, under the perspective of eternity, indubitable points of moral reference and guidance. Although notionally empowered to determine a unique conception of the good, the freedom accorded to the unencumbered self is an empty liberation. 'Choice' refers only to the arrangement of preferences without reference to the self in possession of them, and however complex this process might be, an agent's identity, self-understanding and presence for others can never be subject to meaningful change.

Rawls's conceptions of reflection and agency are, it predictably follows, highly questionable. When engaged in reflection we do not simply evaluate the strength of our existing desires. The identification of relevant preferences can be a preliminary aspect of deliberation, but Rawls's approach screens out evaluative questions likely to arise in the course of deliberation: Is a particular attribute intrinsic or extrinsic to one's self-conception? To adopt Sandel's terminology, is it *mine* or *me?* Does it accord well or badly with that self-understanding ? Is it compatible with the subject's ideal of the person he either is or wishes to become ? Or is it an impediment in relation to that ideal? These fairly obvious but obviously nontrivial questions engage the identity of the self, not merely the identification of attributes and preferences, and are so of a form which the Rawlsian self is unable to address.[43]

Such considerations, involving for example the relation between self and attribute, the positive and negative valences associated with that relation, and the implications of that relation for identity are *prima facie* inseparable from any adequate understanding of

42 Sandel, *Liberalism and the Limits*, 159, emphases original.

43 Although Rawls gnomically suggests at *Theory*, 416, that '[c]onvictions about what sort of person to be are...involved in the acceptance of principles of justice.'

what goes on when a person is thinking about the goods, identifications, and activities which he understands as significant to his sense of self. As Rawls's scheme only concerns the weighing of previously given preferences and expectations, it ultimates in a reductive statement of the ordered array of elements possessed by the self, reproducing the arbitrariness with which *Theory* treats such supposed contingencies.

The inadequacy of this account of deliberation is predictably repeated in what passes for Rawls's theories of decision and action. When choosing we do not simply 'adopt that plan which maximizes the expected net balance of satisfaction.'[44] As the factors noted above broadly indicate, it makes little sense to say that we 'choose' a rationally ordered life-plan at all, and similarly when acting we do not simply engage in the pursuit of a set of preferences established without reference to experience or action. The vocabulary of voluntarism and personal autonomy prevalent throughout *Theory* is undermined by the constraints imposed upon the self to which it refers. Finally, Rawls claims, '[t]he person himself must take this decision [on the content of his 'good'], taking into account the full range of his inclinations and desires.'[45] But because a life-plan takes the form of a rationally ordered scheme designed to maximise the satisfaction of a similarly organised set of desires and competences, the quality of this decision is elusive. In any given situation, the self who has determined (but not chosen) the requisite ordering of preferences goes on to identify (but not choose) 'that plan belonging to the maximal class [of optimal life plans] which he would chose with full deliberative rationality.'[46] A degree of latitude might be involved in determining which particular plan best fulfils these criteria, but the scope for decision is likely to be very narrow indeed: to the extent that a choice is made it will be, for example, between schemes *x*, *y* and *z*, each of which will be directed towards the realisation of the same set of ends, and in consequence likely to be very similar in form. The content of the plan is never placed in question by this process, and all that is 'chosen' is the most effective means. Rawlsian deliberation is not meaningfully a procedure of choice at all, whether it is applied to the category of right or to that of the good: the right is determined unconditionally through the application of a delimited reason under the conditions of the original position; and each person's particular good is determined through the application of deliberative rationality upon the set of contingent features related to the person at any particular time. Genuine reflective choice is not an option for the citizens of the well-ordered society.

[44] Rawls, *Theory*, 416.

[45] Rawls, *Theory*, 557. Although this quotation occurs within a discussion of the irrationality of hedonistic life plans, it is consistent in both tone and content with the rest of his discussion regarding deliberation and the good.

[46] Rawls, *Theory*, 409.

It is of some interest that *Theory's* highly detailed index,[47] a nineteen page concordance of exemplary meticulousness, contains no entry under the headings of either 'action' or 'agency.' According to Rawls moral personality is characterised by two moral powers: a regulative desire to act from principles of justice, and the ability to formulate a conception of the good expressed in the form of a rational life-plan.[48] However, the presentation of these faculties makes clear how unconcerned Justice as Fairness is with the actual deeds and situations of agents beyond the veil: 'It is not our aims that primarily reveal our nature,' claims Rawls 'but rather *the principles that we would acknowledge* to govern the background conditions under which these aims are to be formed and...pursued.'[49] Dealing with the abstract theorisation of deliberative concepts rather than their concrete realisation,[50] Rawls's ideal simply envisages a plurality of persons pursuing complementary life plans derived within a regulatory framework of right, 'a scheme of activity that all can appreciate and enjoy.'[51] Although Rawls claims that the stability after which he strives does not entail the institution of a static social and institutional model[52] a spectacularly undynamic model of the self is unarguably offered by *Theory,* where the prefiguring of the subject denies the possibility of the transformation of identity through action. Given this inflexibility it is by no means obvious that the case will be otherwise regarding the responsiveness of the basic structure.

It is important to realise that Sandel's critique is precisely that; a work of anthropological criticism, not political advocacy. Although the outline of an alternative conception is evident at key points of the analysis of Rawls's unencumbered self, Sandel offers a character sketch rather than a rigorously developed proposal. In so doing, however, he highlights issues and distinctions which are of general significance to the normative and descriptive[53] theorisation of the self, and of particular relevance to the reception and interpretation of *Liberalism and the Limits of Justice.*

47 Rawls, *Theory,* 589-607.

48 Rawls, *Theory,* 561, *Political Liberalism,* 29-35. The label 'moral powers' receives emphasis in Rawls's later writings as noted in §4 below.

49 Rawls, *Theory,* 561. Emphasis added.

50 Rawls, *Theory,* 509.

51 Rawls, *Theory,* 441.

52 Rawls, *Theory,* 457-8.

53 Gerald Doppelt, 'Is Rawls's Kantian Liberalism Coherent and Defensible?' *Ethics* 99 (1989), 816 claims that Sandel's critique of the unencumbered self is ambiguous as '[i]t remains unclear whether he reads this conception to offer a normative ideal or a theoretically descriptive account of persons' identity', and wonders if 'perhaps he means to advance both claims.' This query is itself highly ambiguous, as often is the more general theoretical demarcation of normative and descriptive categories. The conception of the person represented in *Theory* is clearly intended to be taken as normative, i.e. an ideally free and rational agent;. But its status as such is dependent on descriptive commensurability with 'our' self-understandings, i.e. to be a convincing representation it must (e.g. in reflective equilibrium) fundamentally accord with our 'prephilosophical' understandings and experiences of subjectivity. The claim of any conception to 'coherence' and 'defensibility' is thus dependent upon both normative and descriptive factors. Sandel's work aims to demonstrate the weakness of the Rawlsian self and the resulting incoherence of *Theory* as a whole on both

The boundaries erected by Rawls between the self, its attributes and other selves precludes the recognition of their significance for the self other than on a superficial level. The antithesis of this conception, labelled by Sandel the 'radically situated'[54] subject, errs to the opposite philosophical extreme, erasing the distance between self and circumstance. This approach envisages the self as empirically conditioned and determined in totality, in a state of perpetual reaction to impulses beyond its command and just as incapable of meaningful reflective choice as its disembodied counterpart. Neither extreme is sufficiently nuanced to understand the self as a socially embedded entity which is conditioned (but not simply determined) by the array of environments and relationships within which it moves, thinks and acts. The *intersubjective* model tentatively advanced by Sandel[55] avoids the excesses of both situation and dislocation. It recognises the individuation of the individual as a social process where the possibility of identity arises only within concrete social environments, within which the reflexively conscious self is neither radically autonomous nor simply determined in his choices and actions.

[3] Responses to Sandel

In the fifteen years since its publication a view of *Liberalism and the Limits of Justice* has become conventional amongst political theorists of a broadly liberal outlook. Taken together, the following recent examples offer a fair summary of this (mis)understanding. According to Jeremy Waldron, Sandel 'calls...for a conception of the person that is capable of being identified completely and essentially with some communal history or commitment',[56] and in a similar vein John Charvet informs his readers – without direct reference to *any* relevant sources – that 'communitarians must be understood to be rejecting the possibility of deriving from the abstract theoretical standpoint on human powers and interests any substantive conclusions...[they] affirm one general principle: each is to follow the norms of his society...this principle enjoins us to be blindly conservative and unreflective.'[57] Jean L. Cohen indicts Sandel on the grounds that he

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grounds, by showing i) that despite Rawls's claims to the contrary, Justice as Fairness is dependent on a metaphysical conception of the (normative) subject analogous to Kant's noumenal self; ii) that this conception is (descriptively) incapable of comprehending the 'ordinary' moral experience of phenomenal agents and is hence epistemologically flawed, resulting in a severely flawed conception of the subject and his social environment; iii) which is most clearly manifested in the difficulties surrounding the second principle of justice, as antecedent individuation precludes the type of prior commitment necessary to generate support for the difference principle.

54 Sandel, *Liberalism and the Limits...*,21.

55 Sandel, *Liberalism and the Limits...*,63-3, 79-82.

56 Jeremy Waldron, *Liberal Rights: Collected Papers 1981-1991* (Cambridge, Cambridge University Press, 1993), 390.

57 John Charvet, *The Idea of an Ethical Community* (Ithaca, Cornell University Press, 1995), p. 4.

'insists that everyone is radically situated'[58] and finally, Stephen Kautz rather hysterically claims that advocates of community – including Sandel – 'invite an immoderate or slavish politics...where human beings are compelled either to embrace that community thoughtlessly or to rebel against it thoughtlessly...identification with one's community deprives one of moral freedom'.[59]

At least two significant errors are at work in these readings. Firstly, *Liberalism and the Limits of Justice* is misunderstood as a work of developed political advocacy rather than (or as well as) a more limited but penetrating anthropological investigation of Rawls's assumptions and methodology.[60] Political positions which lack textual support are thereby attributed to Sandel on the basis of his suggestive but undeveloped comments regarding community and public life. Secondly, and inexcusably, Sandel's critics consistently ignore or overlook the explicit distinction made in *Liberalism and the Limits*... between 'radically situated' and 'intersubjective' conceptions of self. This desperate failure of comprehension leads them to treat Sandel as a proponent of the former and not, as clearly is the case, of the latter 'intersubjective' formulation.

If the persistence of this misinterpretation is unaccountable, its origin and entrenchment are more readily explained. Although it has received considerable critical attention, *Liberalism and the Limits* is typically incorporated within a synthetic 'communitarianism' and discussed in contexts which are either overtly polemical,[61] or aimed at the analysis of this general position at the expense of detailed consideration of the works which allegedly comprise it. The following discussion examines one early and influential formulation and critique of this artificial 'communitarian' construction, and goes on to consider some later, more carefully advanced objections to Sandel's work.

[58] Jean L. Cohen 'Democracy, Difference and the Right of Privacy' in Seyla Benhabib (ed.) *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton, NJ., Princeton University Press, 1996), 197. On the same page Cohen moderates her misreading (but does not clarify her interpretation) when she suggests that Sandel sees us as 'able to revise to some extent our identities but situated nonetheless.'

[59] Steven Kautz, *Liberalism and Community* (Ithaca, Cornell University Press, 1995), 215.

[60] Sandel's recent, overtly political *Democracy's Discontent* has no impact upon the present discussion, and is examined in Chapter Six below.

[61] The paradigmatic instance of which is Stephen Holmes, 'The Permanent Structure of Antiliberal Thought', in Rosenblum (ed.) *Liberalism and the Moral Life*, pp. 227-253. Holmes constructs and then dissects what he calls an 'ideal type' (229) of 'antiliberalism', but confusingly goes on to claim that although 'No single theorist...is a perfect antiliberal' that he is able to identify an 'identical set of mistakes...in almost every antiliberal work.' At a later point he does acknowledge 'important differences' (285n.8), before restating that 'antiliberals share enough to justify a unified treatment.' This patently contradictory nonsense seems motivated by the assumption that any theorist intent on critically examining liberal philosophy and/or society must be implacably opposed to it. Holmes somewhat hysterically, and without any subtlety whatsoever, identifies the so called antiliberals with the entirety of counter-enlightenment thought and European fascism, and condemns them for failing to differentiate themselves from these 'brilliant but retrospectively discredited theorists.' (227-228). It does not appear to have occurred to Holmes that the modern communitarians might have a completely different conception of their work to his understanding of it, or that a less inflammatory reading might prove less absurd than the suggestion that Sandel, Taylor and Walzer are pursuing a crypto-fascist tradition of thought.

Amy Gutmann's survey article[62] follows the pattern of response identified above by confusing issues of anthropology and advocacy. Despite correctly noting that Sandel 'say[s] almost nothing...to defend communitarian politics directly' it is nevertheless claimed that communitarians, being reactionary and/or conservative supporters of tradition and patriarchy 'want us to live in Salem, but not to believe in Witches. Or human rights.'[63] Gutmann does separate Sandel's critique of the Rawlsian self from Alasdair MacIntyre's critique of the enlightenment project *tout court*, but does so in an insufficiently thorough manner which leads to a political characterisation of Sandel which is indistinguishable from that attributed to MacIntyre. This erroneous view in turn supports her contention that Sandel offers a 'tyranny of dualisms' where 'either our identities are independent of our ends...or they are constituted by community, leaving us totally encumbered by socially given ends.'[64] Sandel, of course, rejects both the situated and unencumbered poles of this duality.[65] The judgement that 'neither his interpretation nor his critique is accurate'[66] is relevant to Gutmann rather than Sandel, and her criticism that Sandel's proposed intersubjective model is open to criticism[67] on the grounds of contradiction identified in *Theory* is simply not applicable.

Gutmann also mounts a defence of Rawls which is for the most part[68] independent of this inaccurate analysis of Sandel. Rejecting his critique of the unencumbered self, she argues that Sandel's concentration on the original position and the conditions imposed therein leads to a fundamental misunderstanding of Rawls's theory. Allowing that principles of justice 'clearly rely on certain contingent facts,'[69] that reflective equilibrium justifiably introduces prephilosophical judgements and convictions into the decision procedure, and citing Rawls's belief that 'given our history and traditions... [Justice as Fairness] is the most reasonable doctrine for us'[70] Gutmann claims that the position attributed to him by Sandel involves 'a metaphysics that Rawls explicitly and consistently denies.'[71] This 'refutation' is only superficially relevant to Sandel's analysis, because it

62 Amy Gutmann, 'Communitarian Critics of Liberalism', *Philosophy and Public Affairs* 14 (1985), 309-322.

63 Gutmann, 'Communitarian Critics...', 309, 318-19.

64 Gutmann, 'Communitarian Critics...', 316-7.

65 As established in the preceding discussion and reiterated by Sandel, *Liberalism and the Limits...*, 20-21: 'Without some distinction between the subject and the object of possession, it becomes impossible to distinguish what is me from what is mine, and we are left with what might be called a *radically situated subject*...[which is] *inadequate to the notion of the person*'. (Closing emphasis added).

66 Gutmann, 'Communitarian Critics...', 317.

67 Gutmann, 'Communitarian Critics...', 317.

68 Page 311 n.14 being the obvious exception, where Sandel's argument is erroneously reconstructed according to the radically situated conception of identity discussed above. See also p. 313, where Gutmann claims that 'Sandel seems to mean that communally given ends can so totally constitute peoples identities that they cannot appreciate the value of justice.'

69 Gutmann, 'Communitarian Critics...' 312.

70 Rawls, 'Kantian Constructivism...', 519.

71 Gutmann, 'Communitarian Critics...', 313.

unthinkingly accepts the very elements which *Liberalism and the Limits...* examines in detail and finds problematic. Gutmann appears to believe that once principles of justice are acknowledged as contingently dependent upon the prevalence of conditions described within the original position then issues concerning the nature of the self within it and the question of justification by equilibrium dissolve.[72]

Gutmann's criticisms are extremely insecure. She rather strangely claims[73] that Rawls's assumptions concerning the priority of right, inviolable individuality, and the embedded ideal which provides the Archimedean[74] point of judgement *do not* involve a metaphysical conception of the self. Although Rawls presents *Theory* as independent of Kant's epistemology and metaphysics, Sandel's analysis explicitly details just how dependent Justice as Fairness is on a view of the self that is analogous, if not identical, to that of Kant. Gutmann's arguments against Sandel are however based upon a wholesale acceptance of Rawls's method and doctrine. Such an interpretation might be based on a basic agreement with the entirety of Rawls's argument, on a weak interpretation of the original position,[75] or on the claim that Rawls's vague recognition of history and tradition within the justification process amounts to successful renunciation of the foundational and metaphysical ambitions of *Theory*. The first of these options can be ruled out with some plausibility, since even the most docile of critics should be capable of identifying areas of difficulty in Rawls's works. The second approach is equally indefensible, paradoxically failing to do justice to either Rawls's enterprise or to Sandel's analysis. With or without appeal to 'our' convictions and history, Justice as Fairness is fundamentally reliant upon its supporting methodology. Taking Rawls seriously – as we are surely intended to do – entails paying close attention to the abstraction and individuation modelled by the original position, as well as to the arguments and assumptions behind it. In failing to do so adequately Gutmann's discussion lacks the exegetical and critical resources necessary for a convincing defence of Rawls, or a sustainable refutation of Sandel.

Charles Larmore[76] follows Gutmann in castigating Sandel's undeveloped advocacy position, locating *Liberalism and the Limits...* within the tradition of German Counter-

72 Thus she claims (312 n.18) that although invalid in either case, Sandel's critique is more effective against *A Theory of Justice* alone than Rawls's later work.

73 Gutmann, 'Communitarian Critics...'. 311.

74 Variously depicted as the position from which noumenal selves view the world; the perspective of eternity; *sub specie aeternitatis*, and so on. The imagery of the Archimedean point in ethical argument, a refutation of scepticism and relativism grounded (for Rawls, and for Kant) in pure practical reason, is explicitly universalist, ahistorical and metaphysical. See e.g. Bernard Williams, *Ethics and the Limits of Philosophy* (London, Fontana, 1985), Ch. 2.

75 As considered and rejected in chapter two.

76 Charles Larmore, *Patterns of Moral Complexity* (Cambridge, Cambridge University Press, 1987), pp. 121-129.

Enlightenment thought[77] and claiming that Sandel 'seems to prefer the fantasy that society as a whole once was or might become a family or a club of friends.'[78] In addition he does however provide a more reasoned evaluation of Rawls and Sandel, conceding much of the latter's position, but arguing that a limited reconstruction of Justice as Fairness is possible which is not susceptible to metaphysical critique. Although he pays little attention to the explicit detail of the texts in question, Larmore's revision of *Theory* separates two strands of argument – Kantian and Humean – which Rawls attempts to unify, and argues that an appropriate resolution of their relationship involves dispensing entirely with the Kantian dimension of Rawls's project. *Liberalism and the Limits...* does not undermine either liberalism or individualism as such, he argues, but does make clear the problems of a liberalism reliant on what he labels an expressivist conception of the self.[79]

The 'fundamental approach' of *Theory*, writes Larmore, 'is to focus on the Humean circumstances of justice, to determine what principles of co-operation can be accepted by rational agents.'[80] The expressivist elements of Rawls's doctrine – the ideal of the self, its role within the original position, and its status and moral powers – are presented as secondary aspects which detract from the core objective of a *political* liberalism, which takes as its limited task the problem of defining a neutral standard of justice which functions as a *'modus vivendi'* regulative of 'our role as citizens, without its having to be our dominant ideal in other areas of social life.'[81]

The simplicity of Larmore's suggestion[82] is superficially appealing, and is in some respects similar to Rawls's own development of his theory.[83] However, the emphasis on the 'Humean' components of *Theory* at the expense of their 'Kantian' counterpart takes us some way from Justice as Fairness and creates explanatory difficulties for Larmore. Rather than being secondary, the concept of the person is indispensable to Rawls's project, of (at least) equal significance to the circumstances of justice. As Rawls makes clear the two strands of thought are heavily interdependent. Applied to the structure of *Theory*, Larmore's reformulation is question begging rather than problem solving – inviting questions regarding the nature of the rational agents whose decision is being constructed, the standard of neutrality to which they aspire, the nature of the *vivendi* guiding their decision on a *modus* , how political principles relate to 'nonpolitical' values

77 Larmore, *Patterns...*, 122.
78 Larmore, *Patterns...*, 126.
79 Larmore, *Patterns...*, 129.
80 Larmore, *Patterns...*, 121-2.
81 Larmore, *Patterns...*, 121.
82 Further developed in Charles Larmore, 'Political Liberalism' *Political Theory* 18 (1990), 339-360.
83 Although a *modus vivendi* formulation, being a purely contingent and pragmatic resolution of conflict, lacks the moral basis or force required by Rawls for his political conception of Justice as Fairness. Rawls, *Political Liberalism*, 147.

and beliefs, and so on. By placing these issues to one side Larmore merely causes them to re-emerge elsewhere. The judgement that by ignoring the *'modus vivendi'* interpretation 'Sandel can suggest that liberalism is in far greater trouble than it actually is'[84] can be neatly inverted and applied to Larmore himself. When he claims that we should accept liberalism 'not as a philosophy of man, but as a philosophy of politics'[85] he forgets that when asked why political principles apply in particular to us, the liberal explanation will, either implicitly or explicitly, invoke an image of the person which we are invited to recognise as our own.

Kenneth Baynes[86] acknowledges the force of *Liberalism and the Limits...*, but dissents both from Sandel's attribution to Rawls of an unencumbered self, and from his identification within *Theory* of an intersubjective self within a wider (social) subject of possession, upon which Rawls allegedly relies in order to support the difference principle. As noted earlier this second objection is a plausible one,[87] but Baynes's rejection of Sandel's critique of Rawls's covert metaphysics doctrine is not convincing. Focusing on Rawls's later writings (and so perhaps tacitly acknowledging the accuracy of Sandel's examination of *Theory*) Baynes identifies an equivalence between Rawls's attribution to the self of 'moral powers' and Harry Frankfurt's concept of the person, defined according to 'the capacity for reflective self-evaluation that is manifested in the formation of second order desires.'[88] Frankfurt's influential thesis – that the self is unique in not only experiencing a range of sensations and desires, but also in being capable of 'second order' reflection and judgement on the content of desires – does appear to conform with Rawls's account insofar as the 'power' to revise one's conception of the good is analogous with second order judgement. If successful, such an interpretation of deliberative rationality might redeem the Rawlsian self, allowing it more thoroughly conceived capacities of reflection self-interpretation than those associated with the antecedently individuated model.

This possibility is in fact considered by Sandel in a passage of *Liberalism and the Limits...* which Baynes overlooks. Since the Rawlsian self is denied experience of constitutive goods, he argues, it cannot be delivered from its unencumbered fate by appeal to Frankfurt's conception. Within Rawls's methodological scheme, the attribution of

84 Larmore, *Patterns...*, 124.

85 Larmore, *Patterns...*, 129.

86 Kenneth Baynes, *The Normative Grounds of Social Criticism* (New York, SUNY Press, 1992) 129-34.

87 See §2 above. Baynes's objection here differs in claiming that since the veil of ignorance only applies during the procedure of principle construction, there is no reason not to suppose that beyond the veil notions of merit or desert might have a place in the well ordered society, and hence no reason to presume a common subject of possession (Baynes, *Normative Grounds...*, 132). The force of this interpretation is unclear, however, since it begs the question of the relations pertaining between the self behind and beyond the veil, and that between the original position and the well ordered society.

88 Harry G. Frankfurt, 'Freedom of the Will and the Concept of the Person' *Journal of Philosophy* 68 (1971), 7.

second order evaluation to the abstract conception of the self has little effect. Because deliberation for Rawls takes the form of an estimation and ordering of exogenously given desires in order of their intensity for the self, 'agency would not in any meaningful sense be restored...he would still have no grounds, apart from the mere fact of his second-order desire, on which to justify or defend the desirability of one sort of desire over another.'[89] Without a more substantive self for deliberative agency to a faculty *of*, any similarity claimed between Rawls and Frankfurt can only be formal, where a more thorough correspondence is required to deliver the Rawlsian self from Sandel's critique. Baynes accepts Rawls's development of a 'morality of association' within the well-ordered society[90] as sufficient evidence that identity is a socially constituted process, and would presumably disagree with this assessment. To do so, however, misses Sandel's fundamental point: that as an elaboration of the self conceived in the original position, Rawls cannot coherently account for the constitutive significance of commitments and identifications, and so fails to understand from the outset that which he seeks to represent within Justice as Fairness.

John Rawls has never directly responded to Sandel's critique, although certain of his writings have been interpreted in such a way.[91] He has however acknowledged as 'on the whole satisfactory'[92] Will Kymlicka's discussion of *Liberalism and the Limits of Justice.*[93] In a short and dense analysis Kymlicka covers much of the ground addressed above,[94] but also advances an objection that at first glance appears to be devastating for Sandel's case:

'There are apparent differences here... [which] hide a more fundamental identity: both [Rawls and Sandel] accept that the *person* is prior to her ends. They disagree over where, within the person, to draw the boundaries of the 'self'; but this question, if it is

89 Sandel, *Liberalism and the Limits...*, 163-4

90 Baynes, *Normative Grounds*, 130.

91 Most notably 'Justice as Fairness: Political not Metaphysical' *Philosophy and Public Affairs* 14 (1985), 223-251. Rawls's denial of this interpretation in *Political Liberalism*, (xvii n.6) 'changes in the later essays are sometimes said to be replies raised by communitarians and others. I don't believe there is a basis for saying this', is suitably equivocal on the point, as it is noted that 'It is certainly not settled by my say so.'

92 Rawls, *Political Liberalism*, 27 n.29.

93 Will Kymlicka, *Liberalism, Community and Culture* (Oxford, Clarendon Press, 1989) esp. Ch 4.

94 In the process repeating Gutmann's misinterpretation of Sandel, albeit in a qualified manner. Thus while claiming that Sandel 'argues that the self is not prior to, but rather constituted by, its ends' (Kymlicka, *Liberalism, Community and Culture*, 51) he does acknowledge Sandel's view of identity as the 'product rather than the premise of its agency' (55). In a similar form to that of Baynes (although without reference to Frankfurt's concept of the person) Kymlicka believes that at this point 'it's not clear whether the whole distinction between the two views collapses. As with his fellow critics, however, Kymlicka's discussion does not relate Sandel's critique in any detail to Rawls's original position, instead defending a generalised liberal position which maintains 'that we understand our selves to be prior to our ends, *in the sense that no end or goal is exempt from possible re-examination*' (52, original emphasis). This is a fair but underspecified representation of Rawls's position, and as is hopefully by now clear, the difficulties revealed by Sandel concern the *underlying assumptions* behind such a view, which are revealed as untenable in *Liberalism and the Limits...*, but which are *assumed* by liberals such as Kymlicka to be *prima facie* unproblematic.

indeed a meaningful question, is one for the philosophy of mind, with no direct relevance to political philosophy.'[95]

The argument here – that Sandel's critique is compromised by a deeper congruence with Rawls – suggests that notwithstanding the detail of his examination Sandel is unable to undermine either Rawls's theory or liberal practice, as he has failed to demonstrate why the self cannot invoke this distance in order to examine and transform (any of) her ends. Kymlicka's analysis involves three related but distinct claims: he acknowledges the differences between Rawls and Sandel (i); but argues that a more basic agreement between them marginalises Sandel's critique (ii) in such a way that it can be safely banished to the domain of 'mind', which is seen as irrelevant to political philosophy (iii).

The first stage of this is unproblematic; there clearly are issues at stake here and Kymlicka's arguments concern their depth and significance. The second proposition is the most substantial. That Rawls and Sandel both invoke the idea of the person in the same manner is a striking observation which only appears self-evident retrospectively, but its significance as a criticism of Sandel is opaque. Kymlicka's claim appears to be that a philosophical correspondence is consequent upon the fact that both authors address the concept of the self as a grammatical subject following the same linguistic convention. But because distinct conceptions of the self *do* receive articulation the importance of the indexical correspondence noted by Kymlicka requires clarification. Given that both Rawls and Sandel are engaged (albeit from different methodological standpoints) in discussion of the concept of self, in this regard an alternative idiom is neither obviously available nor necessary in order to differentiate their respective approaches. Indeed, it is difficult to imagine an alternative mode of expression in which either Sandel or Rawls could proceed whilst remaining intelligible to their readership.

Because the grammatical congruity pointed out by Kymlicka does not lead to the 'fundamental identity' which he claims, the differences between the Rawlsian self and the intersubjective conception outlined by Sandel retain their prominence. The potential relevance of Kymlicka's third claim is undiminished by this failure, because if the question of the boundaries of the self is properly part of the philosophy of mind and firmly insulated from moral and political aspects of the discipline, the impact of Sandel's critique might be nullified. Kymlicka does not make explicit his understanding of either the difference or the relation between these two branches of philosophy,[96] entailing that his claim is difficult to evaluate but *prima facie* unlikely to prevail. Although the political implications of issues in the philosophy of mind can be irrelevant or indirect, the notion

95 Kymlicka, *Liberalism, Community and Culture* , 55 (original emphasis).

96 The most likely case being that Kymlicka follows the interpretation of moral theory as a discipline separate from epistemology and the philosophy of mind as set out in Rawls, 'The Independence of Moral Theory', 5-22.

that a political philosophy can be coherently unrelated[97] to other areas of the discipline is ultimately untenable. In the absence of an explanation concerning the relation of and boundaries between issues concerning the concept of the self, philosophy of mind and political philosophy the claim of irrelevance directed at Sandel by Kymlicka is impossible to assess, and with regard to Rawls's theory, which self-consciously models an ideal conception of the subject, it is not clear how it can succeed. When submitted to close scrutiny, Kymlicka's direct charges against Sandel are not borne out.

The attribution to Sandel of a naïve political conservatism and/or determinism primarily rests upon serious errors of interpretation, but an additional relevant factor is that of the relation between the concepts 'right' and 'good' in the works of Rawls and Sandel. Where Rawls maintains the priority of right throughout his scheme of persons, procedures, principles and institutions, *Liberalism and the Limits...* is held to articulate a crudely antithetical political position, an elementary teleological or perfectionist view where a conception of the good (and concomitant identity) is determined by community, history, tradition, etc., and imposed upon the members of a society. This reading of the role accorded to the good in Sandel's text is not sustainable. Comments regarding the possibility of a wider subject of possession, the claim that liberalism 'forgets the possibility that when politics goes well we can know a good in common that we cannot know alone,'[98] and remarks implying the superiority of 'substantive'[99] over neutral political arrangements certainly point towards a conception of the politics of community, but do little to either develop or oppose it to Rawls's well–ordered society.

The question of priority regarding the right and the good does involve significant political dimensions – in crude terms between a politics of neutral concern and a politics of value – but in itself says nothing in detail about the form and application of a particular

97 The claim that an indirect relation obtains between areas and instances of inquiry (i.e. between anthropology and advocacy) is entirely different to the much stronger claim that moral philosophy, epistemology and philosophy of mind *are not related.*

98 *Liberalism and the Limits...*, 183. This piece of rhetoric is regularly noted as evidence of Sandel's alleged lack of realism: see e.g. Gutmann, 'Communitarian Critics...', 322; Larmore, *Patterns...*, 175n. 71, Wallach, 'Liberals, Communitarians and the Tasks of Political Theory', 597-8. In the context of the paragraph of which it is a part the phrase seems less significance than imagined by Sandel's critics: 'justice finds its occasion because we cannot know each other, or our ends, well enough to govern by the common good alone. *This condition is not unlikely to fade altogether, and so long as it does not, justice will be necessary....* Liberalism teaches respect for the distance of self and ends...[b]ut by seeking to secure this distance too completely, Liberalism undermines its own insight...' (183, emphasis added).

99 The label 'substantive' is introduced in place of Sandel's previous use of 'communitarian' in Sandel, 'Moral Argument and Liberal Toleration: Abortion and Homosexuality', *California Law Review* 77 (1989), 521-538. For example, at 534 he argues that 'the connection between heterosexual and homosexual unions is not that both result from individual choice but that both realize important human goods. Rather than rely on autonomy alone, this... articulates the virtues homosexual intimacy may share with heterosexual intimacy, along with any distinctive virtues of its own.' In an earlier article ('Morality and the Liberal Ideal' *The New Republic* 7 May 1984) Sandel used the generalised label 'communitarian' politically in a suggestive but highly insubstantial manner, inadvertently providing a clear example of the difficulties concerning the term and potentially providing grist for the mills of his critics.

political vision or programme. As Charles Taylor puts the point, anthropological discussions of subjectivity 'structure the field of possibilities in a more perspicuous way. But this precisely leaves us with choices, which we need some normative, deliberative arguments to resolve.'[100] The question of priority is, so to speak, logically prior to these deliberative processes. Kymlicka appears to accept this distinction in *Liberalism, Community and Culture,* where he argues that Rawls's characterisation of utilitarianism as a teleological theory creates a false dichotomy which ignores utilitarian theories which do recognise the separate status of each individual.[101] Because individual inviolability is, for Rawls, founded on right (and its priority) Kymlicka goes on to claim that 'our disagreements with Rawls, however deep great they may be, will not be disagreements over the priority of the right and the good.'[102]

From this interpretation Kymlicka argues that Rawls's concerns regarding the equal weight due to each person's good and the independence of legitimate distributive entitlements from any particular conception of the good do not involve the question of priority. Since an appropriately defined utilitarian perspective concurs with Rawls in treating the right as a requirement that, from 'the moral point of view' each person's good be accorded equal consideration,[103] the priority of right is not at issue – what is at issue is the formulation of distributive principles commensurate with this shared interpretation of *political* morality, and the responsibility of the person to tailor his or her chosen ends in a manner compatible with these principles.

Precisely how this point undermines Sandel's critique, as Kymlicka insists it does,[104] is at best obscure. Kymlicka's central point seems to be that in characterising John Stuart Mill as a teleological utilitarian Rawls confuses the issue of maximising the interests of the self, which does not concern the priority question, with that concerning the definition of those interests, which does but on which Rawls and Mill agree in assigning lexical priority to a principle of liberty.[105] Whilst it is correct that Sandel follows Rawls in this reading, even if it is erroneous[106] it does not follow that Sandel

100 Taylor 'Cross Purposes: The Liberal-Communitarian Debate', 161.

101 Kymlicka, *Liberalism, Community and Culture,* 25-26.

102 Kymlicka, *Liberalism, Community and Culture,* 40.

103 Kymlicka, *Liberalism, Community and Culture,* 40. Although consistent with Rawls, this is Kymlicka's own formulation and recalls Dworkin's 'deep theory' specifying 'equal concern and respect' due each individual. Kymlicka acknowledges (19 n.1) that he is 'indebted to Dworkin's writings in ways that are substantial but sometimes difficult to specify.' One of the virtues of Kymlicka's book – its relatively brief but substantial argumentative style – poses problems in this respect, as the theoretical detail and antecedent formulations of the liberal positions which he critically supports are often implicit or tacit rather than transparent within the text.

104 Kymlicka, *Liberalism, Community and Culture,* 36

105 Kymlicka, *Liberalism, Community and Culture,* 42 n.4.

106 Kymlicka's sharply made argument rightly points to Mill's concern with the principle of liberty, but arguably does so at the expense of the concept of social utility employed by Mill concerning issues of public policy. Both deontological and consequentialist elements are at work in Mill's philosophy, which

misunderstands Rawls in consequence. Rawls's self-understanding as a theorist deeply indebted to Kant is unambiguous, and *Liberalism and the Limits...* investigates the attempt of *Theory* to establish a liberalism without metaphysics, and does not seek to isolate and distinguish perfectionist and antiperfectionist varieties of utilitarianism. Moreover, the notion that 'we can derive principles of justice without any idea of people's essential interests' attacked by Kymlicka refers in Sandel's text to Kant, not to Rawls.[107] Although comparable to Kant's noumenal subject, the Rawlsian self which Sandel examines in detail is not simply reducible to it. Whether or not Kymlicka's argument collapses here is difficult to assess, because in taking issue with the characterisation of utilitarianism in *Theory* it is not clear that there is an argument to begin with against Sandel.

Where the theorisation of the right and the good relates to criteria of distribution, the satisfaction of interests, legitimate expectations, etc., it is not – as Kymlicka recognises – an argument regarding priority, but rather one concerning how we should deal with the already established priority politically. This tells us what the question of priority *isn't* about, but is of little help in addressing the more basic issue of the relationship between the two concepts for the self. Perhaps surprisingly, this question is ultimately an uncomplicated one. Even for Kant the pre-eminent moral good for man was the good will,[108] the realisation of which depended on the right action of the rational subject determined in conformity with the formal requirements of the moral law. The good will as an end in itself, *the* end of rational moral beings, is achieved through the determining ground of the moral law, understood and enacted in the application of the categorical imperative. The indisputable supremacy of the moral law over hypothetical (e.g. utility optimising) injunctions rests upon this account of moral goodness, which the rational will is alone held to manifest. There is therefore no simple opposition between right and good even within Kant's supposedly austere doctrine of categorical duty.

The ostensible impartiality of Rawls's attempt to determine principles of justice independent of any particular conception of human value or good affirms the priority of right through procedural mechanisms which are similarly dependent upon an underlying abstract conception, or thin theory, of the good. As we have seen, the individuated self conceived as prior to its ends in the original position is deeply problematic. Without the thin theory, which rather than being neutral or impartial manifests assumptions and implications equivalent to an underlabouring individualistic conception of the good, the

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invokes notions of private freedom and public good. So whilst it might be correct to say that Mill should not be classed a teleologist *simpliciter*, the interpretation by Rawls which Sandel largely follows in the short and limited discussion of *Liberalism and the Limits...* (2-5) is not obviously the misrepresentation which Kymlicka alleges.

107 Sandel, Liberalism *and the Limits...*,3.

108 Kant, *Groundwork*, Academy pagination, 401. The comments in this paragraph largely follow Darwall, 'Is there a Kantian Foundation for Rawlsian Justice', 318-320.

moral status and powers of the Rawlsian self would be even more severely compromised. Hence for both Rawls and Sandel, 'the good is what, in its articulation, gives the point of the rules which define the right.'[109] The question of priority emerges as one concerning the status and function of conceptions of the good in the development of a concept of self. The original position submerges this role through mechanisms of abstraction and disinformation, but the good is latently and often ambiguously present throughout its workings.

According to Taylor the adoption of a procedural methodology renders Justice as Fairness (and other neo-Kantian theories) inarticulate concerning the goods – such as autonomy, solidarity, and equality – which are their motivating ideals. Arguing that '[t]heir thought is inescapably cramped' he claims that 'they utterly mystify the priority of the moral by identifying it not with substance but with a form of reasoning.'[110] An adequate response to this charge would however involve a radical transformation of the mechanisms which make up the original position, effectively abandoning Rawls's methodological dependencies in order to 'come clean' about the values tacitly underlying the formulation, justification and application of principles of justice and the self to which they apply.

Despite the failure of his adherents to significantly undermine Sandel's critique, Rawls is understandably reluctant to undertake such drastic revisions. In his post-*Theory* writings he has however introduced a range of refinements and shifts of emphasis, some of which arose in the course of this examination. The repositioning of Justice as Fairness as a constructivist doctrine made little impact on the problem of justification encountered by Rawls, but other issues – in particular the identification of political and comprehensive moral theories, and the effects of this demarcation on the conception of the self within *Political Liberalism* – remain in need of closer scrutiny. The following discussion selectively examines prominent aspects of these innovations in order to establish the extent to which they form an adequate response to the objections advanced against the antecedent individuation of the Rawlsian self.

[4] Liberalism without Metaphysics?

The stated aims of *Political Liberalism* are to adjust Justice as Fairness in order to accommodate the 'fact of reasonable pluralism'[111] and in so doing to set out a stable constitutional basis for an enduring liberal regime. In the course of this reworking of Justice as Fairness Rawls has commented on the question of priority, but in a manner

109 Charles Taylor, *Sources of the Self*, (Cambridge, Cambridge University Press, 1989), 89.
110 Taylor, *Sources...*, 88-9.
111 Rawls, *Political Liberalism*, xvii.

directed to the impartiality of institutions rather than the conception of the self, where the philosophically significant aspects of priority are located. Therefore although Rawls appears to agree with Taylor's position when he states that 'the right and the good are complementary...while justice draws the limit, and the good shows the point',[112] this concession is not understood to undermine the aims and methods of procedural justice.

The principal flaw of *Theory*, according to Rawls, does not reside in the assumptions and limitations documented in the development of the original position, but in the general strategy of the work as a whole. *Theory* is now regarded by Rawls as presenting a comprehensive philosophical doctrine[113] which is general both in scope, applying 'in the limit to all subjects universally' and in content, including 'all recognized values and virtues within one rather precisely articulated system.'[114] Justice as Fairness is supposedly affirmed on identical grounds by all members of the well-ordered society as an expression of their nature as free, equal and rational persons. Despite its formality, this scheme is understood by Rawls to be unrealistic because it fails to appreciate the diversity of moral doctrines prevalent in modern societies. Underlining the absence of pluralism noted earlier with regard to the original position, this omission on Rawls's own account unfits the doctrine of *Theory*, but not the viability of his two principles, which emerge almost unscathed[115] as a less expansive focus of agreement or overlapping consensus[116] between members of the well-ordered society.

Rawls assumes that all of his hypothecated citizens will affirm a comprehensive doctrine (i.e. a religious, philosophical or moral outlook) which is reasonable insofar as it offers various grounds of support for Justice as Fairness conceived as a 'political conception', distinguished by its narrow scope: the political conception applies only to the basic structure of institutions, principles and standards of a constitutional democratic regime; is presented as a 'freestanding view' supported by various reasonable comprehensive doctrines present within that regime, but dependent on none in particular;[117] and is expressed in terms of abstract conceptions which are 'familiar and basic ideas implicit in the public political culture of a democratic society.'[118] This re-

112 Rawls, *Political Liberalism*, 173-4.

113 Rawls, *Political Liberalism*, xvi. As Rawls notes, the term 'comprehensive' does not occur in the text of *Theory*.

114 Rawls, *Political Liberalism*, 13.

115 Almost, because the social and economic egalitarianism of second principle is now regarded as a matter of 'basic justice' (where the conditions for the satisfaction of the principle are a matter of uncertainty and debate) rather than a self-evident 'constitutional essential' (which include the freedoms guaranteed by the first principle), Rawls, *Political Liberalism*, 227-230. Rawls denies (7 n.6) that any change is introduced to the 'egalitarian conception of *Theory*', but given the questionable status of basic justice as compared to constitutional essentials this is at best a moot point.

116 Rawls, *Political Liberalism*, 15,144f.

117 Rawls, *Political Liberalism*, 11-15.

118 Rawls, *Political Liberalism*, 43, see also 13, where a similar but more convoluted phrase is used to directly define a 'political conception'.

orientation of Justice as Fairness involves changes which, although often obliquely, clearly aim to address major criticisms advanced in the course of this discussion. Most notably, Rawls continually draws attention to the independence of *Political Liberalism* from metaphysical claims or dependencies.[119] Unfortunately he does not pronounce on the accuracy or otherwise of foundational and/or transcendental interpretations of *Theory*, instead being content to deny, rather than establish in argument, their relevance to his revised account. This non-metaphysical status is reinforced by the application of the political conception to modern constitutional democracies alone, and the open invocation of a fund of - predictably underdeveloped - 'familiar and basic ideas' supposedly available within such systems of authority. These modifications explicitly revoke the universal and ahistorical claims advanced in *Theory*, as the derivation of the political conception from modern and western ideals is acknowledged.[120] Despite their ostensive significance, however, the impact of the changes on the well-ordered society envisaged by *Political Liberalism* and upon the overall plausibility of Rawls's methodological approach stand in need of clarification.

Rawls concedes that associations, corporations and other bodies within civil society and the background culture of the well-ordered society need not be determined by the standard of 'public reason' which applies within the basic structure. It thus appears that as part of the political conception Rawls's norms and principles are no longer conceived as regulative for reason and conduct outwith the political domain. 'Nonpublic' reason must be consistent with 'common human reason' and respect the freedom of conscience and association guaranteed by the liberty principle, but *Political Liberalism* does allow that consistent with the 'nature of each association...and the conditions under which it pursues its ends'[121] alternative, less rigid forms of deliberation, decision and social relations might legitimately obtain. Upon closer scrutiny, however, the extent to which this marks a genuine amendment is extremely unclear. Rawls's brief and rather vague discussion of nonpublic reason makes it difficult to precisely specify or assess the significance of either the public/nonpublic distinction, or the role of the latter for identity. No sense is conveyed, for example, that nonpublic relationships and identifications might assume a constitutive quality, or that a tension or incoherence might ensue between political and nonpublic elements of a general doctrine which might favour the latter component over the former. Rawls is instead content to stipulate that 'citizens

119 e.g. Rawls, *Political Liberalism*, xxix, 10, 26, 27, 97.

120 Indeed, in emphasising constitutional processes, the exemplary status of the supreme court, etc., the political conception might even be regarded as parochial and distinctively American. See for example *Political Liberalism*, 227-240 and 340-356, where the 'closed society' to which Rawls refers on page twelve is very evidently that of the United States.

121 Rawls, *Political Liberalism*, 221.

must adjust and reconcile'[122] their comprehensive beliefs in such a way as to support the 'very great values'[123] governing the domain of the political.

The easy congruence between public and nonpublic domains characteristic of Rawls's comments parallels his remarks on the relationship between the political conception of justice and the reasonable comprehensive doctrines which support it. The political conception is not tightly bound up with any particular comprehensive doctrine, but is contained as a 'module' or 'essential constituent part'[124] by *all* reasonable comprehensive doctrines. This suggests that although a relation of strict entailment might not obtain between the two, a very strong degree of compatibility with the political conception is a prerequisite of a reasonable comprehensive doctrine. Despite being downplayed by Rawls as part of the background culture of modern democratic societies, the class of doctrines that include or support his political conception – along with the metaphysical assumptions and arguments they contain – are both indispensable to and omnipresent within the revised doctrine. Rather than being independent, the 'political' and 'comprehensive' conceptions are co-extensive. Although the detail and apparent sophistication of *Political Liberalism* tends to obscure the continuity of the later work with *Theory*, Rawls's political conception is for the most part a redescription of his previously established doctrine, not the fully-fledged recasting proclaimed.

The extent of this continuity – and the spurious nature of the distinction between political and comprehensive doctrines – is most obviously displayed in Rawls's treatment of the capacity for a conception of the good, attributed to the Rawlsian citizen as a moral power by *Political Liberalism* in a similar way to the definition in *Theory* of the ability to form, revise and pursue a rational life-plan.[125] Rawls indicates that a conception of the good 'connects with'[126] a comprehensive doctrine, but the detail of this relation is not explored in detail. It can however be surmised without prejudice that in the case of a thorough connection the two will be identical or synonymous, and that in less clear cut instances a permissible conception of the good must be either part of, or compliant with, a reasonable comprehensive doctrine. As previously established, all reasonable comprehensive doctrines *must* contain or support the political conception of justice (the norms, standards and principles which apply to the basic structure). Permissible conceptions of the good must therefore contain (or be compliant with) principles of justice, and with regard to the role and status of Justice as Fairness the distinction

122 Rawls, *Political Liberalism*, 31.
123 Rawls, *Political Liberalism*, 139
124 Rawls, *Political Liberalism*, 12.
125 Rawls, *Theory*, 561; *Political Liberalism*, 104.
126 Rawls, *Political Liberalism*, 19.

between political and comprehensive conceptions collapses; the significant differences between *Theory* and *Political Liberalism* are a matter of presentation, not content.[127]

Rawls's distinction could be retrieved, and a less restricted range of conceptions of the good permitted within the well-ordered society, by the introduction of a more decisive boundary between political and comprehensive conceptions. If, for example, the political conception were presented as a wholly prudential or pragmatic agreement entirely separate from (rather than ambiguously reliant upon) comprehensive moral doctrines, the independence of the political sought by Rawls might be established, with any convergence or similarity arising in particular instances between the two regarded as a matter of arbitrary coincidence. Rather than attempting to unsustainably bracket comprehensive concerns from the political domain, a full dissociation of the conceptions would exclude them entirely in advance. A demarcation along these lines would however cause problems elsewhere in Rawls's revised presentation. The deep bifurcation of public (political) and nonpublic (comprehensive) concerns is likely to compromise the coherence and stability of the well-ordered society and the psychological integrity of the citizen, as the unity[128] required by Rawls between principles of justice, conceptions of the good and moral personality is rendered suspect by the presence of dual, potentially conflicting, standards of judgement and conduct. Furthermore, the introduction of a radical separation would also sever the tie between justice and morality, and without the support garnered from comprehensive doctrines the political conception would lack the moral standing through which Rawls distinguishes his understanding of political liberalism from Charles Larmore's account of a *modus vivendi*.[129]

The implications of this unsuccessful attempt to establish the independence of the political conception reverberate throughout *Political Liberalism*. In addition to the difficulties already noted, the collapse of the political/comprehensive distinction renders Rawls's claim that his constructivism is political where Kant's is comprehensive simply irrelevant.[130] It also invites investigation of the significance of the associated criterion of

[127] Brian Barry, 'John Rawls and the Search for Stability', *Ethics* 105 (1995), 879-80, advances a related objection but in reverse, arguing that the identical depiction of the well-ordered society across both works, and the ability of those within it to determine and pursue independent conceptions of the good, indicates that the doctrine of *Theory* was already 'political not comprehensive', and hence not in need of 'recasting' in the manner proposed by Rawls. This analysis intriguingly suggests that Rawls is trapped in a misunderstanding of his own doctrine, but does not explore the aspects of compliance and compatibility noted above, which do point towards a comprehensive interpretation of *Theory* in so far as the methods and principles of Justice as Fairness apply indiscriminately in that work.

[128] Rawls, *Theory*, 563. The remarks in *Political Liberalism* concerning political psychology and the criterion of reasonableness (which are briefly considered below)do not, as evidenced by e.g. the consistent presentation of moral powers across the two works, obviously occasion any alterations in §85 of *Theory*, 'The Unity of the Self'.

[129] Rawls, *Political Liberalism*, 11, 147.

[130] Rawls, *Political Liberalism*, 99-102.

'reasonableness' required of persons and doctrines by *Political Liberalism* in preference to the more stringent and straightforward standard of rationality familiar from *Theory*.

The substitution of the rational by the reasonable in *Political Liberalism* is characteristic of a relaxed style and tone which raises the possibility that Rawls's application of the principle of toleration to philosophy[131] might carry over into other areas of the theory. Unfortunately, Rawls claims that 'political constructivism specifies an idea of the reasonable and applies it to various subjects'[132] but that specification never occurs satisfactorily. Instead the reader is offered the empty tautology that 'the content of the reasonable is specified by the content of a reasonable comprehensive doctrine.'[133] Indeed, although aspects of reasonableness are discussed in relation to the actions and dispositions of persons *qua* citizens, Rawls notes elsewhere that *Political Liberalism* deliberately chooses *not* to define the reasonable directly. The detail provided merely suggests that the reasonable connotes ideas of fairness, co-operation and reciprocity in the political domain, and that although the reasonable is complementary to the rational it is neither subordinate to nor derived from any particular conception of rationality. Rawls's account of the non-derivative status of the reasonable is however strangely concluded by the admission that he is unable to offer arguments supporting his analysis.[134]

As a 'particular form of moral sensibility'[135] reasonableness constitutes the grounds of toleration in the well ordered society, as it is 'by the reasonable that we enter as equals the public world'.[136] The substance and implications of this grounding are however unclear, as fair co-operation for mutual advantage remains the basis of association in the well-ordered society,[137] and (as with the political/comprehensive distinction) the separation of reasonable and rational does not obviously improve or significantly alter the position of *Theory*. Although for the most part directed to matters supposedly public and political, the idea of the reasonable is neither non-metaphysical nor freestanding in the independence-conferring manner required by Rawls, who openly acknowledges the Kantian basis of his own understanding of the rational/reasonable distinction.[138] As with the definition of political and comprehensive doctrines to which it ambiguously relates, within his methodological scheme Rawls's identification of the standard of the reasonable

131 Rawls, *Political Liberalism*, 154.
132 Rawls, *Political Liberalism*, 94.
133 Rawls, *Political Liberalism*, 94.
134 Rawls, *Political Liberalism*, 48-54.
135 Rawls, *Political Liberalism*, 51.
136 Rawls, *Political Liberalism*, 53.
137 Rawls, *Political Liberalism*, 54.
138 Rawls, *Political Liberalism*, 48 n.1.

is no less metaphysical than either the rationality it displaces or any other grounding that he might care to determine.[139]

The conceptions of the political and the reasonable fail to effect the philosophical transformation envisaged by Rawls, but the belated recognition of the fact of pluralism and misconceived attempt to reconcile that fact with the structure of the well-ordered society at the very least registers his intention to offer a more satisfactory account of politics and identity than the model of universality and assimilation presented in *Theory*. The hope that this is the case is further encouraged by Rawls's comments on the exercise of public reason in the well-ordered society.

Public Reason is outlined by Rawls as 'the reason of equal citizens who, as a collective body, exercise final political and coercive power over one another'[140] in a manner that links an ideal of democratic citizenship to participation in procedures of debate and electoral decision, and maintains that voting preferences are not solely a matter of individual preference or conscience: 'the duty of civility involves a willingness to listen to others and a fair-mindedness in deciding when accommodations to their views should reasonably be made.'[141] When combined with Rawls's avowal that for political constructivism 'the struggle for reflective equilibrium continues indefinitely'[142] a model of democratic deliberation, opinion-formation and legitimation becomes discernible where the content of the political conception and the form of the basic structure it regulates are put into question, rather than simply affirmed by the enactment of the procedures set out in *Theory*. Unfortunately, Rawls immediately recoils from the potentially radical implications of this model. Public Reason is narrowly limited to the domain of the political, dealing with the application of constitutional essentials and basic justice but not the status or boundaries of the political itself. Arguments, principles, beliefs and justifications drawn from or dependent upon comprehensive and/or controversial sources are thereby excluded from politics at the very point where they become most relevant to it.[143] The deliberative impulse present in the initial formulation

139 As argued by Richard Bellamy and Martin Hollis, 'Liberal Justice: Political and Metaphysical', *The Philosophical Quarterly* 45 (1995), Rawls's attempt to establish an independent position is bound to fail because 'the political realm needs a metaphysical basis' (14) which is 'necessary to determine those minimum standards of just conduct which liberals insist are owed to all human beings' (18). Although I concur with their judgement regarding the necessity of metaphysics, the form of weak transcendental argument defended in chapters four and five below is less demanding – and in consequence more secure against critique – than the 'connection with a form of Kantian universalism' (15) that they propose.

140 Rawls, *Political Liberalism*, 214.

141 Rawls, *Political Liberalism*, 217.

142 Rawls, *Political Liberalism*, 97.

143 Rawls, *Political Liberalism*, 215. Although Rawls notes that 'Plainly, religious, philosophical and moral considerations...may properly play a role' in personal deliberations, that role stops short of 'political advocacy in the public forum.'

of Public Reason is consistently frustrated thereafter, and Rawls consequently fails to realise 'public reason' as a form of democratic politics.

The extent of this failure is not just revealed by the effective exclusion of the 'nonpublic associations' civil society from the political process. According to Rawls, Public Reason finds its exemplary location in the Supreme Court rather than the electoral process.[144] That a principle of public justification applies to the court is uncontroversial, that the Supreme Court be seen as the exemplar of Public Reason another matter entirely. The notion that the Court might plausibly exemplify the reason of free and equal citizens acting as a collective body demonstrates just how removed from everyday practices of discursive opinion formation, solidarity and legitimation Rawls's model is, and also shows the extent to which Justice as Fairness sees its task as the construction of an ideal conceived in terms of institutional structures, procedures and principles rather than citizenship, deliberation and agency. To adopt his own idiom, Rawls's model of democracy can be accurately depicted as Juridical not Political.

Although his conceptions of the political, the comprehensive and the reasonable are ambiguous and do not obviously improve or fundamentally adjust the doctrine of *Theory*, the restrictions which govern public reason indicate a recognition of difference on Rawls's part which might lend some substance to his attempt to address the fact of pluralism. As noted earlier, the class of reasonable comprehensive doctrines and connected conceptions of the good are expected to contain – or at least be consistent with – his political conception. Where conflict arises they must, in other words, be domesticated or silenced in order to conform with the requirements of political constructivism. Toleration is therefore a carefully rationed commodity within *Political Liberalism*, but it is at least conceivable that comprehensive doctrines containing ideals including grasscounting, radical socialism, non-Western religions, etc., might find a niche in the discursive space outside the political and within the boundaries of the reasonable as defined by Rawls. As with *Theory*, the viewpoints of bearers of such views have no place within the political structure of the well-ordered society, but the misfortune attendant upon their natures[145] is perhaps less pronounced in the later work given that comprehensive doctrines can be a legitimate basis of association in the nonpublic realm.

In this regard at least Rawls's presentation of reasonable pluralism can be seen to advance – rather than merely complicate – Justice as Fairness. The extent of this gain should not however be overestimated, because the exclusion of 'non-liberal but not necessarily illiberal'[146] beliefs and forms of life from the political domain draws attention

144 Rawls, *Political Liberalism*, 231-240.

145 See Rawls, *Theory*, 576 and Ch. 2 §2 above.

146 Bhiku Parekh, 'The Cultural Particularity of Liberal Democracy', in David Held (ed.) *Prospects for Democracy* (Cambridge, Polity Press, 1993), 169.

to the culturally and historically constrained liberal understanding of toleration. Rawls claims that toleration is at the heart of liberalism,[147] but what he has in mind is the peaceful coexistence of Catholicism with a range of Protestant (and later secular) affirmations which arose during the period of the Reformation, and are fundamentally European and individualistic in form. When ways of life exceed this structure *Political Liberalism* finds itself resourceless, displacing them to the margins of nonpublic life rather than adjusting its own compromised framework. The political conception manifests values that directly support doctrines and identities which partake of a rather unimaginative liberal convention in matters such as individuation and autonomy. Unlike holders of a comprehensive doctrine based on the views of Kant, Hume or Rawls, those whose beliefs are less congruent with, or based on alternative interpretations of, the concepts invoked by liberalism[148] are likely to find that 'the basic thrust of the social structure is against them. Enjoying neither public recognition nor public support, they are on the defensive and at a disadvantage compared to the officially institutionalized liberal ways of life.'[149]

Echoing Isaiah Berlin, Rawls notes that there is 'no social world without loss',[150] claiming that so long as a basic structure is established 'within which permissible forms of life have a fair opportunity to maintain themselves and to gain adherents;[151] the theory cannot be held to arbitrarily favour some forms of life over others. The examples advanced by Parekh reveal the complacency of Rawls's comments here. The holder of a minority view need not be in direct conflict with the political conception, and neither Islam or Socialism are likely to wither away due to a lack of support,[152] but under the

147 Rawls, *Political Liberalism*, xxv.

148 In addition to cases such as the grasscounter and the radical socialist, Parekh offers the following extremely helpful examples of practices fundamental to identity which fall outside the scope of liberal conceptions of justice and toleration. In 'The Cultural Particularity of Liberal Democracy', 169, he notes that 'in a traditional Moslem society every man is required to consider a portion of his money as belonging to others. He has a duty to use it for their benefit and is not allowed to deny food or shelter to a hungry man or to a stranger. The latter does not have a *right* to food or shelter, but the host has a most stringent *duty* to provide these. No one talks of rights, yet everyone's needs are met.' In 'Superior People: The narrowness of liberalism from Mill to Rawls', *TLS* February 25 1994, 12, he offers the example of a Hindu who 'enjoys the incredible freedom to choose his gods, to borrow without a sense of guilt the practices and imageries of other religious traditions, and to make up his own religion without ceasing to be a Hindu.' The depth and significance of this autonomy is lost on liberals (here Parekh addresses Joseph Raz, but could just as easily be writing of Rawls) who are more likely to focus on aspects of Hinduism which do not favour individual right. However, as Parekh notes, even though '[t]he average Hindu is not at liberty to choose his spouse' if he were to do so 'more often than not it would eventually be endorsed by his community...Those involved know how to play the game and exploit the available space' in a manner which neither version of Justice as Fairness can comprehend.

149 Parekh, 'Superior People', 12.

150 Rawls, *Political Liberalism*, 197.

151 Rawls, *Political Liberalism*, 198.

152 The two reasons which Rawls suggest discourage comprehensive doctrines. *Political Liberalism*, 196. As Rawls argues, few would mourn the passing of forms of life dependent on hatred, discrimination, etc., but this ignores the wide range of views which are not strictly compliant with the political conception but

political conception identities and forms of life informed by such views would inevitably receive less support and recognition from the basic structure and the public culture it engenders than the adherents of directly compliant liberal views. Intentionally or otherwise, by favouring such liberal views a process of assimilation is likely to ensue where the favoured status acquired by comprehensive liberalisms undermines forms of life which are substantially denied expression and recognition in the public realm. Rawls's acknowledgement of the fact of pluralism is thus incomplete, and his implementation of toleration similarly limited. *Political Liberalism* develops the model of toleration as indifference set out in *Theory*[153] at greater length, extending it to encompass the reasonable pluralism omitted from the earlier work without fundamentally altering either the interpretation or application of the concept.

Finally, Rawls's treatment of the self in *Political Liberalism* predictably parallels his strategy elsewhere in the book. The self is redescribed as the 'political conception of the person'[154] and thereby supposedly rendered immune to criticisms such as those advanced by Sandel. Similarly, the original position is retained in its familiar form, but is specified as a 'device of representation...[with] no metaphysical implications concerning the nature of the self'.[155] As we have seen, however, Rawls's confidence in the integrity of his political/comprehensive distinction is misplaced, and the basis of his denial is highly questionable. Despite the strong metaphysical associations of the very idea of representation Rawls insists that Justice as Fairness 'is badly misunderstood if the deliberations of the parties...are mistaken for an account of the moral psychology, either of actual persons or of citizens in a well ordered society',[156] but he does not adequately explore either the content or the mechanism of the representation involved.

Furthermore, Rawls claims that three viewpoints are constructed in the development of Justice as Fairness – of parties in the original position 'inhabiting our device of representation', of citizens of the well-ordered society 'which might conceivably be realized in our social world', and of 'us' assessing the political conception in reflective equilibrium[157] – but does not elucidate the relationships obtaining between the three positions, an explanation of which is as necessary to the justification of *Political*

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cannot be accurately described as anti-liberal in a pejorative sense. The second cause of decline, the failure to gain adherents, involves a reversion to the voluntarism of *Theory* which pays insufficient heed to the cultural contexts of belief and decision, and which underestimates the conditioning effect of the basic structure on the background conditions of society. The notion that marginalised cultures and ways of life are not discriminated against by the political conception is hence unsustainable on both counts.

153 See Ch. 2 §3 above.

154 e.g. Rawls, *Political Liberalism*, 29–35. It is noticeable that Rawls seems to consciously avoid using the pronoun 'self' in *Political Liberalism*, perhaps in order to avoid raising suspicions of a covert metaphysics on grammatical grounds.

155 Rawls, *Political Liberalism*, 27.

156 Rawls, *Political Liberalism*, 28.

157 Rawls, *Political Liberalism*, 28.

Liberalism as it was for *Theory*. The need for such an account is compounded by the fact that although Rawls no longer associates the moral powers of the self with Kant, they remain explicitly expressive[158] for his political conception of the person. It follows that until an explicit and satisfactory defence of the non-metaphysical credentials of the theory is provided, the suspicion that *Political Liberalism* is dependent upon an unacknowledged foundational subject remains unanswered.

The absence of a fuller account of these matters on Rawls's part makes a definitive assessment of the political conception of the person all but impossible. What is clear is that although he believes the effect of his revisions to be extensive, the attempt to move away from the abstraction, universalism and ahistoricism of *Theory* is constantly undermined by the dependence of *Political Liberalism* on the concepts and methods of the earlier, more substantial work. In retaining the fundamental structure and content of the original position and the self represented therein, the possibility that the impact of the political conception might be other than superficial is lost. Political constructivism, with its reliance on supposedly general and familiar ideas, is similar in conception to the 'weak interpretation' of the original position which was considered and rejected in chapter two. Such a view gains its credibility at the expense of rigour and plausibility. It fails to attend to the detail of the arguments set out in *Theory* and in so doing ceases to take Justice as Fairness seriously, resulting in an ambiguous, *ad hoc* deontology rather than the clear and distinct alternative to utilitarianism originally and rightly sought by Rawls.

IN 1961, WHEN RAWLS WAS IN THE EARLY STAGES of the project which evolved into Justice as Fairness, Iris Murdoch claimed that '[w]hat we have never had, of course, is a satisfactory Liberal theory of personality, a theory of man as free and separate and related to a rich and complicated world from which, as a moral being, he has much to learn.'[159] The accomplishment of *A Theory of Justice*[160] should not be underestimated: Rawls presents a vivid and detailed account of the features of the self required by a deontic, neo-Kantian liberalism. At a time when such conceptions – not least that of Rawls himself – have attained a measure of predominance in both the theory and practices of late-modern societies, he perhaps unwittingly portrays a deep and important aspect of the self-image of the age. In so doing, however, Rawls makes evident the incomplete nature of the liberal

158 Rawls, *Political Liberalism*, 87.

159 Iris Murdoch, 'Against Dryness: A Polemical Sketch', *Encounter* 16 (1961) 16-20, repr. in Stanley Haurwas and Alasdair MacIntyre (eds.), *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame, IN., Notre Dame University Press, 1983), 46. Murdoch here echoes a similar criticism of Hannah Arendt, *The Human Condition* (Chicago, University of Chicago Press, 1958), 52-3: 'What makes mass society so difficult to bear is not the number of people involved...but the fact that the world between them has lost its power to gather them together, to relate and to separate them.'

160 It is perhaps too early to conclusively assess the impact of *Political Liberalism*, but as the discussion in §4 indicates, I suspect that it will come to be regarded as something less than the sum of its parts, and of fairly minor significance when compared with *Theory*.

ideal, how it emphasises freedom and separation at the expense of the second set of relations mentioned by Murdoch, concerning the relation of the self to others and to a world laden with meaning and value.

At various points in this discussion options and possibilities overlooked or rejected by Rawls have been pursued in order to assess the resources available to him against the criticisms of Sandel and others in as full a manner as possible. The failure of these strategies, as well as that of the positions maintained by Rawls and his contemporaries, suggests that a less formal and non-procedural approach is required to overcome the problems and limitations of the antecedently individuated self. Turning from Rawls and Sandel to the works of Charles Taylor, the following chapters explore one such alternative approach to the question of the self.

CHAPTER FOUR

THE HERMENEUTIC SELF

[1] INTRODUCTION

ALTHOUGH KENNETH BAYNES'S ATTEMPT to redeem the Rawlsian subject from Sandel's critique by aligning it with Frankfurt's definition of the person was found to be unsuccessful,[1] as an approach to the problems created by Rawls's construction it is revealing in an unintended manner. Acknowledging the resources of the Frankfurtian model, Baynes's interpretation further undermines Rawls's theory insofar as he highlights the availability of a more thorough and reflexive account of the self. The conception of evaluation advanced by Frankfurt was paralleled by the more decisively political work of Charles Taylor, whose model of the self as a 'strong evaluator' significantly underlies Sandel's outline of an alternative to Rawls's individuated subject.[2] A central figure in the 'New Left' movement of the nineteen-fifties, Taylor also has the unusual distinction amongst philosophers of being a publicly active participant in the political life of Canada over a considerable period of time.[3] His work extends the themes introduced in the preceding chapter by Sandel with a depth and coherence lacking in *Liberalism and the Limits of Justice*, and in so doing addresses issues of method and interpretation across a range of philosophical areas including the history of ideas, epistemology, psychology,

[1] See Ch. 3 §3 above.

[2] Harry G. Frankfurt, 'Freedom of the Will and the Concept of the Person', *Journal of Philosophy* 68 (1971), 5-20; Taylor, 'Interpretation and the Sciences of Man', *The Review of Metaphysics* 25 (1971), 3-51, repr. in Taylor, *Philosophical Papers II*, (Cambridge, Cambridge University Press 1985); Taylor, 'What is Human Agency?' in T. Mischel (ed.), The Self (Oxford, Basil Blackwell, 1977), 103-35, repr. in Taylor, *Philosophical Papers I*, (Cambridge, Cambridge University Press 1985).

[3] Taylor was a founding editor of *Universities and Left Review*, which today persists as the *New Left Review*. For an evaluation of the New Left movement by some of its principal activists see Robin Archer et. al. (eds.), *Out of Apathy: Voices of the New Left 30 Years On* (London, Verso, 1989). Some of Taylor's contributions to debates on nationalism and multiculturalism in Canada are discussed in Ch. 6 below.

linguistics, aesthetics, behaviourism and, of course, political theory.[4] Disciplinary boundaries are always ambiguous and often arbitrary, entailing that although the following discussion focuses upon Taylor's 'philosophical anthropology'[5] at various points issues more directly related to other areas will inevitably arise.

The structure of the discussion loosely follows that of part one. This chapter offers an account of four major themes within Taylor's work (moral frameworks, engaged agency, self-interpretation, and language), outlining a philosophical position which is assessed in the light of objections advanced by various critics and commentators in chapter five. In addition, the discussion introduces Taylor's work in a wider philosophical context. Simple typologies are inevitably inaccurate, but the division between 'Anglo-American' and 'Continental' philosophical approaches is a commonly understood if highly contested one. During (roughly) the past two decades ideas from a range of 'Continental' sources – including phenomenology, critical theory, psychoanalysis, poststructuralism, deconstruction and, most importantly in the present instance, hermeneutic or interpretive studies – have noticeably encroached upon the debates of 'Anglo-American' analytic philosophy 'in the mainstream tradition of the Enlightenment.'[6] The following reconstruction draws attention to the fundamentally interpretive character of Taylor's work, and in so doing is not limited to his thought and that of Rawls, but concerns divergent methodological approaches which are contrasted in a manner which constitutes, at least provisionally, a vindication of the hermeneutic enterprise.

Originating in ancient Greece, the task of the Hermeneutics was to decipher the myths and signs accepted by the Hellenics as messages from the gods.[7] In the seventeenth century the term was revived in Germany in reformation and pietist interpretations of biblical scriptures, and was again transformed in the eighteenth century by the twin forces of Romanticism and Historicism. This movement did not determine the development of hermeneutics in a teleological sense, but did prepare the way for modern theories of interpretation. Most notably formulated by figures including Heidegger, Gadamer and Ricoeur, philosophical hermeneutics comprises an array of attempts to

[4] e.g. Taylor, *Hegel* (Cambridge, Cambridge University Press 1975); Taylor, *The Explanation of Behaviour*, (London, Routledge and Kegan Paul, 1964); Taylor, *Philosophical Papers I & II inter alia.*

[5] Taylor, 'Introduction', *Philosophical Papers I & II.* Following the discussion of Ch. 1, the term 'philosophical anthropology' will be used in preference to the synonymous 'moral ontology' which Taylor occasionally invokes. See e.g. Taylor, *Sources of the Self*, Pt 1.

[6] A convenient definition appropriated from Phillip Pettit, 'The contribution of analytical philosophy', in Robert E. Goodin and Phillip Pettit (eds.) *A Companion to Contemporary Political Philosophy* (Oxford, Basil Blackwell, 1993), 7.

[7] Hermes was attributed with the delivery of the messages of the gods to the ancient Greeks, and the hermeneutics' task was that of understanding and relating the supposed order of the cosmos to the imperfection of the material world. See Judith Shklar, 'Squaring the Hermeneutic Circle', *Social Research* 53 (1986), 450.

address questions of knowledge, meaning and understanding outwith the perspective bequeathed to philosophy during the Enlightenment of the natural sciences.[8] Rather than pursuing the project of pure reason in any of its guises, it is defined in broad terms by a concern with the production and interpretation of meanings and texts within texts and practices.

Hermeneutics is not amenable to statement in a definitive philosophical form, being better seen as a direction or tendency in theory identified by a conception of interpretation as a perennially unfinished process. The potential excesses available to the two most historically recent movements within hermeneutics – that is of eighteenth century romantic subjectivism and twentieth century anti-humanism – define limits applicable to any possible theory of interpretation. Taylor's philosophical anthropology offers a *via media* between these possible extremes. As such it is an approach which is subject-centred but not subjectivist, which locates subjectivity in the world without subordinating the self to its environment, and which recognises the linguistic and historical character of meaning without reducing the subject to a function of language or history.

[2] 'Inescapable Frameworks'

The agenda underlying Taylor's writings, although rather general, involves a long-standing and deep-seated attempt to disrupt the disengaged world-view characteristic of modern epistemology. Taylor's account maintains that models of social explanation which seek to reproduce a scientific ideal of deduction and validity – including logical positivism and behaviourism as well as constructivist and procedural approaches – are inherently unable to deal adequately with questions of meaning, understanding and intention which form the basis of any attempt to successfully understand situated human agency.

Unfashionably maintaining the need for a clear distinction between the Natural and Social sciences, Taylor claims that the proliferation of 'naturalist' theories predicated on an ultimately insupportable value neutrality and on an 'atomistic' or 'punctual'[9] model of the self is ultimately traceable to the reification of the former at the expense of the latter that is typical of modern thought. Although the historiographical accuracy of this polemical characterisation is difficult to validate in depth, its central philosophical claim

8 A concise history is offered by Jean Grondin, *Introduction to Philosophical Hermeneutics*, trans. Joel Weinsheimer, (New Haven, Yale University Press, 1994).

9 Taylor, *Philosophical Papers II*, Ch 7, passim; *Sources of the Self*, 160 ff. Although the charge of 'atomism' is principally directed against libertarian individualists such as Robert Nozick, in the philosophical context of the present discussion it is also relevant to Rawls's individuated subject. Although Rawls's attempt to describe personal bonds within the narrative of moral development in Part 3 of *Theory* renders him immune to charges of *social* atomism, at a more basic *philosophical* level the label is not inappropriate.

is a resonant one which is typically overlooked within narrow discourses which (explicitly or otherwise) uncritically assume from the outset a distinction between subject and object – manifested in Rawls's case by the distance established between the self and its ends – which conditions the content as well as the form of that which follows.

In developing a contrast between Taylor and Rawls the obvious place to begin is not with the original position, but with the material which Rawls brings to it. Justice as Fairness draws upon a range of supposedly commonsensical intuitions and familiar ideas in order to support arguments within the original position, and to justify the agreement to which it gives rise in reflective equilibrium. In both cases his approach begs the question of the origin and validity of these presupposed points of moral agreement. Like Rawls, Taylor considers the question of intuition, but rather than assuming their content and validity seeks to investigate and explain the assumptions and beliefs which underlie them.

Taylor initially observes that intuitions exhibit two dimensions. Firstly, they are experienced as ostensibly instinctual and/or natural reactions, whether one chooses to explain them as manifestations of acculturation within language games, as aspects of a universalised rationality, or as hard neural wiring. The variant cultural determinations of the meaning of these apparently common moral reactions indicates however that their status as simple universals holds only at this level of surface appearance. The second dimension of intuition emerges when one attempts to explain these seemingly intrinsic values. Intuitions are dependent upon underlying accounts of human value and respect, in terms of which they attain their claim upon our judgement. In Taylor's terminology the explanation of this background involves an account of the values which *articulate* the intuitions concerned. For example, gut reactions proscribing the infringement of the Lockean trinity of life, liberty and property are not unconditional. They depend on an understanding of human beings as equal creations of a god to whom persons are ultimately answerable, or as bearers of a unique capacity of reason, intellect, etc. This entails that the category of those defined within any particular account can be variously inclusive or exclusive, as the status of complete humanity is limited to followers of a particular faith, or holders of a requisite amount of property, of a certain colour or ideological persuasion, and so on.[10] These determinations of human value describe the boundaries of meaning within which the intuitions to which they give rise have significance, fulfilling a structural role in both the grounding and explanation of that which is typically experienced intuitively, and perhaps even unthinkingly, as ordinary moral judgement. Making a moral claim so involves either implicitly or (less often)

10 Taylor, *Sources of the Self*, 4 ff.

explicitly invoking and *assenting to*[11] an account of human value. Without such preunderstandings the possibility of a meaningful moral vocabulary would be unimaginable. They so describe what Taylor refers to as *inescapable frameworks.*[12]

The argument that the explanation of intuitions requires the airing of more complex theories of value seems barely controversial but is a core component of Taylor's opposition to 'naturalistic' approaches which unreflectively accept the veracity of intuition as the premise rather than the product of argument. The tendency to 'rest content with the fact that we have such reactions,'[13] manifest in analytical political philosophy reflects a widespread distrust of explanations which are at best partial and contestable interpretations of value and belief, and at worst metaphysical verbiage. This wariness is complemented by a desire amongst ostensibly analytical schools of thought to expunge the question of value from social theory in favour of argumentation pursued according to transparent models of explanation and validity, a tendency evidenced for example in the Anglo–American enthusiasms for logical positivism, behaviourism, rational choice theory and abstract theories of meaning.[14]

This basic point undermines the initial presumption of individual inviolability which Rawls attributes to the subject of justice. It does not *invalidate* that judgement, but does challenge Rawls to explain and justify the values and beliefs which underlie it, a process which is clearly necessary once the 'natural' or 'intuitive' status of his claim is revealed to be chimerical. Methodologies of procedure and construction proceed by validating an outcome in terms of the manner of its production, where 'the rationality of an agent...is judged by how he thinks, not in the first instance by whether the outcome is *substantively correct.*'[15] Supplanting *phronesis* with a conception of practical reason based upon norms of calculation, interest or prudence results in a theory which is problematic from the outset in being unable to account for the resulting command morality – obligatory injunctions determining right action – other than in the terms in which they are elicited. Applying this general objection in the particular case of Rawls's theory, the

11 Taylor, *Sources of the Self*, 5.

12 Taylor, *Sources of the Self*, Ch. 1. Although Taylor's references of Gadamer are fairly sparse, the 'inescapable' status of 'frameworks' is undoubtedly analogous to the 'prejudices' or prejudgements which Gadamer presents as a transcendental condition of understanding and 'effective-historical consciousness'. Hans-Georg Gadamer, *Truth and Method* (2nd. ed., London, Sheed and Ward, 1979), esp. 225-267. Similarly, Taylor's discussion of 'horizons' denoting the boundaries of significance described by frameworks concerns themes paralleled in Gadamer's discussion of language. Taylor, *Sources of the Self*, 27-29, 35-40, *Philosophical Papers I*, 277 ff. Gadamer, *Truth and Method* , 345 ff., 397-414.

13 Taylor, *Sources of the Self*, 5

14 For example, on behaviourism see Taylor, *The Explanation of Behaviour;* on rational choice, Donald Green and Ian Shapiro, *Pathologies of Rational Choice Theory* (New Haven, Yale University Press, 1994); on language and Anglo–American methodologies see Michael Dummett, 'Can Analytical Philosophy Be Systematic, and Ought It To Be?', in Kenneth Baynes, James Bohman and Thomas McCarthy (eds.), *After Philosophy: End or Transformation?* (Cambridge, MA., MIT Press, 1987), 215 f.

15 Taylor, *Sources of the Self*, 86-90.

'well ordered society' is not susceptible to substantive justification other than as an ideal institutional framework offering impartiality of application between persons accepting and conforming to a normative conception of moral personality and legitimate (reasonable) interests. The emphasis on principles of right pushes to one side issues of value – concerning the nature of the good – but as Rawls indirectly conceded, it is precisely these elements which support the concept of right and in terms of which the right demands justification.

This is not to say that strongly valued goods[16] are missing from the proceduralist agenda, rather that they persist within them in an undertheorised form. Although theories such as *Justice as Fairness* 'are motivated by the strongest moral ideals, such as freedom, altruism, and universalism...[t]hey are caught in a strange pragmatic contradiction, whereby the very goods which move them push them to deny or denature all such goods...[t]heir thought is inescapably cramped.'[17] A reluctance to engage with the frameworks which make moral understanding possible leads Rawls to postulate individual inviolability as an assumption on a par with a 'natural fact', whilst the desire to construct an account of political morality free from contingency and partiality underpins the entirely irreal[18] conceptions of subjectivity and practical reason modelled in the original position.[19] A deliberate myopia distorts this conception of the theoretical endeavour and serves to 'narrow our focus to the determinants of action, and then restrict our understanding of these determinants still further by defining practical reasoning as exclusively procedural. They utterly mystify the priority of the moral by identifying it not with substance but with a form of reasoning.'[20]

These remarks are offered by Taylor against a range of approaches and philosophers upon which a 'naturalistic' status is conferred in virtue of their insufficiently interpretive character, within a general critique emerging from a survey of the history of ideas rather than from detailed examinations of contemporary theorists.[21] A perceived lack of detail

16 Taylor refers to higher order values as 'Hypergoods', an appalling neologism which I will avoid using in so far as clarity of presentation allows. Taylor, *Sources of the Self*, 63, *passim*.

17 Taylor, *Sources of the Self*, 88.

18 The term 'irreal' is borrowed from Wallach, 'Liberals, Communitarians and the Tasks of Political Theory', 585.

19 This myopia is by no means confined to Rawls, whose demarcation of political and comprehensive conceptions is paralleled in Jürgen Habermas's distinction between the procedural, universal moral-legal realm and the untouchable domain of 'ethical-existential' questions. See e.g. Habermas, 'On the Pragmatic, the Ethical, and the Moral Employments of Practical Reason' in *Justification and Application*, 1-19.

20 Taylor, *Sources of the Self*, 89.

21 Although Taylor does occasionally discuss particular authors at some length, such as Foucault (*Philosophical Papers II*, Ch 6) and Nozick (*Philosophical Papers II*, Ch. 7) for the most part comments on his contemporaries are brief and related to the development of his wider agenda. see e.g. the comments on Rawls, Habermas, Mackie, Hare, Williams and others in *Sources of the Self*, Pt 1.

has concerned some commentators,[22] but such criticisms are insufficiently attentive to the contexts of Taylor's work. His cosmopolitan project is comparable to that of Rawls, who offered *Theory* as an alternative to a similarly general presentation of utilitarianism, and the themes to which Taylor has consistently drawn attention have been pressed in detail against contemporary interpretations of liberal individualism by a range of authors, in the case of John Rawls by Michael Sandel in particular. As the previous chapter discussed at some length there clearly is a case to answer here, and in addressing the methods and assumptions of Anglo-American philosophy Taylor brings upon himself the requirement not to rehearse and refine established arguments against individuation, but to expound a clear and defensible alternative. The success or otherwise of this endeavour can be reasonably judged against Rawls, because despite the difficulties surrounding *Justice as Fairness* it is indisputably the most influential statement of liberal individualism of the post-war era, if not the entire twentieth century.

Instead of relying upon intuitionist assumptions, Taylor advances a phenomenological realism which locates the bases of moral concepts within socially and historically explicable accounts of values, ideas and practices which shape the environment within which interdependent agents think, judge and act in a process which exhibits both individual and collective aspects. The rejection of Archimedean judgement admits into the moral equation a range of possibilities which certainly complicate the explanatory process, but which do so in a manner directly addressing substantive questions of value, and of value conflict, which procedural theories elide rather than confront. One clear advantage of Taylor's interpretive approach is its ability to take moral pluralism seriously on a theoretical level. Although *Political Liberalism* proclaims itself a response to 'the fact of pluralism', by narrowing the domain of the political and unreasonably imposing restrictions of reasonableness upon permissible conceptions and doctrines, problems of heterogeneity are dissolved within a vision of rational negotiation which is artificial in both conception and execution. Differences in moral value which are ultimately manifested in society as competing political claims are denied expression in the political domain of the well ordered society. Rather than attempting to delimit moral diversity through the procedural application of normative standards (e.g. autonomy, liberty, universality, toleration) Taylor begins by recognising the multiplicity of potentially incompatible values and judgements which constitute and sustain complex

22 As argued by e.g. Annette Baier, 'Review of Taylor, *Philosophical Papers II*', *Canadian Journal of Philosophy* 18 (1988), 590-591. In a related vein, Clifford Geertz has suggested that Taylor's polemical characterisation of scientific methodology pays insufficient heed to its culturally conditioned character and to the resources which innovative methods in natural science might offer to their social counterparts - an analysis with which Taylor in large part concurs. Geertz, 'The strange estrangement: Taylor and the natural sciences', in Tully (ed.), *Philosophy in an Age of Pluralism*, 83-95; Taylor 'Reply and Re-articulation', 233-236.

social and political structures, without resorting to the artificial construction of an overlapping consensus or self-contained political domain.[23]

This openness to pluralism is a point which is often missed. Much of the critical response to *Sources of the Self* focused on Taylor's hedged personal advocacy of theistic accounts of the good.[24] This rather vague discussion of 'the spiritual possibilities of today's culture'[25] has been seen as objectionable by advocates of secularism in a manner which neatly illustrates Taylor's critique of the dogmatism of the 'world-picture' established by 'naturalist' epistemologies. The notion that 'only a god can save us' attributed by such interpretations entirely misses the point that a diversity of understandings shape moral responses, even when a surface appearance of homogeneity leads us to assume a common source of meaning.[26] In response to such criticisms Taylor has repeatedly pointed out that an appreciation of heterogeneity facilitates the development of deeper perceptions of the basis of commonalty and difference.[27] The cultivation of an openness towards difference allows for the recognition of the other in ourselves, and vice versa, in order that rather than assuming an unbridgeable incommensurability of value persons are enabled to understand themselves and others as more fully engaged within a shared fate than the Rawlsian construction can envisage.

Accepting the location of theory within Plato's cave,[28] an approach which is substantive rather than procedural takes goods and values as the starting points of the deliberative process. Where Rawls is driven to deny the legitimacy of interests falling outside the boundaries of Justice as Fairness, a substantive approach identifies and seeks to interpret the moral understandings maintained by individuals, groups, and the linguistic and cultural environments within which they find themselves. Pluralism and relativism do not crudely coincide in this formulation. Acknowledging that moral diversity finds its grounding in varied conceptions of value does not entail the further claim that differences between frameworks, and the concepts and values they sustain, are necessarily incorrigible.[29] Instead the opposite is the case, since an awareness of the sources of

23 Taylor, *Sources of the Self*, 64, 'Hypergoods are generally a source of conflict.'

24 e.g. Taylor, *Sources of the Self*, 317, 518. See especially Quentin Skinner, 'Who Are 'We'? Ambiguities of the Modern Self', *Inquiry* 34 (1991), 146-150; revised in Tully, *Philosophy in an Age of Pluralism*, as 'Modernity and Disenchantment', 37-48.

25 Taylor, *Sources*, 490.

26 This is perhaps most clearly stated in Taylor, 'Reply and re-articulation', 251: '...why go on trying to squeeze blood from a stone, trying to torture everything we hold dear out of the single canonical principle? Why don't they just relax and admit that goods are plural, and save themselves all these strained arguments?'

27 e.g. Taylor, 'Comments and replies', *Inquiry* 34 (1991), 240-242; 'Reply and re-articulation', 224-6; and Taylor, 'Reply to Braybrooke and de Sousa', *Dialogue* 33 (1994), 125: '...the book's title is, after all, "*Sources...*"'

28 Rather than at the false summit of the Archimedean point. The Platonic image is borrowed from Michael Walzer, *Spheres of Justice* (New York, Basic Books, 1983), xv.

29 For example Hartmut Rosa, 'Goods and life-forms: Relativism in Charles Taylor's political philosophy', *Radical Philosophy* 71 (1995), 20-26, erroneously claims that 'as soon as we allow for a plurality

diversity is a condition of the possibility of evaluative discourse and negotiation between potentially incompatible identities, interests and moral perspectives.

A substantive understanding of pluralism involves recognition of the undecided character of moral theory as well as political practice. Rather than imposing a model which resolves conflicts of interest and belief by definitional *fiat*, by approaching pluralism head on, space is maintained for dialogue and debate between different frameworks, the values they uphold and the practices which manifest them. This is perhaps less philosophically satisfying from a procedural perspective as a secure outcome is no longer guaranteed in advance, but given the unconvincing character of Rawls's methodology the sacrifice of analytic certainty represents a theoretical advance. Where Rawlsian constructivism closes the domain of the political by reducing it to a function of the underspecified norm of reasonableness, a substantive approach reiterates the practicality of practical reason and moral complexity in order to confront and relate theory to the world which it inhabits.

The issue of pluralism and relativism inevitably raises the question of universality. The notion that a universally compelling standpoint is indispensable to the coherent formulation of effective social criticism – something of an article of faith amongst prominent neo–Kantian theorists[30] – ignores the possibilities afforded by a less circumscribed conception of rationality. Where Rawls accepts the apparent unanimity of intuitive moral reactions as an uncontroversial starting point (which falls apart rather quickly) Taylor's more deep seated investigation of the beliefs underlying this appearance should not be construed as a blanket rejection of universal concepts. As stated at the outset of *Sources of the Self*, '[w]e are dealing here with moral intuitions which are uncommonly deep, powerful and universal...The roots of respect for life and integrity do seem to go as deep as this...'.[31] A pluralistic approach which seeks to uncover the basis of belief does not preclude the identification of universals. It does, however, preclude the *a priori* prescription of universality as a requirement of moral legitimacy or rational thought. The notion that a valid moral claim might not be universalisable may well trouble the sensitivities of normative theorists, but the tendency to balk at the mere

of ethical frameworks and hypergood conceptions, the problem of incommensurability and hence of relativism reappears' (24). This conclusion depends upon the misinterpretation of frameworks as 'solid backgrounds' (21) and of goods as 'ontologically given' (23). Neither of these phrases occurs to my knowledge anywhere in Taylor's writings, and Rosa's reading pays insufficient heed to the reflexive and intersubjective aspects of Taylor's philosophical anthropology.

30 Evidenced for example by Rawls's Archimedean rhetoric and Habermas's insistence on his principle 'U' as the grounding norm presupposed by all moral (i.e. *not* 'ethical–existential') discourse. Habermas, *Moral Consciousness and Communicative Action*, trans. Christian Lenhardt and Shierry Weber Nicholson, (Cambridge, Polity, 1990), 65 f. For a brief statement of the objective and universal ambitions of analytic philosophy in general see Thomas Nagel, *The View From Nowhere* (Oxford, Oxford University Press, 1985), Ch. 1.

31 Taylor, *Sources*, 4-5.

possibility of incommensurability again misses the point that understanding is a prerequisite of deliberation. Taylor's interpretive project does not require *or* proscribe universality, but does make possible a more thorough explanation of the common moral intuitions treated by Rawls as unproblematic properties available to reason in a universal form. This explanatory engagement is likely to quickly undermine spurious claims to universality, but need not do so in all cases and where a strong case is available the outcome of interpretation might be an increased understanding and entrenching of the universality claimed for a concept such as liberty, tolerance, altruism or solidarity.

Charges that a substantive approach is either inherently relativistic or devoid of critical leverage are thus misplaced. The interpretive enterprise seeks to open up a space for deliberation between interpretations of the moral point of view, rather than to legislate that perspective from the outset. It is able to address universality at a deeper level than alternative approaches which presume it, and far from lacking a critical perspective, a hermeneutic approach demands that the theorist no less than any other person *must* adopt a critical approach from a perspective of value. It further insists that this perspective can only be one situated within and related to the world, rather than being either Archimedean or Herculean[32] in nature.

[3] Engaged Agency

THE DISCUSSION OF INTUITION as a manifestation of underlying value has been developed in some detail because as well as being relevant to the critique of Rawls it is a central aspect of the conception of the self at the centre of Taylor's work, extending the distinction between substantive and procedural approaches towards an interpretation of the self as a situated, engaged and self-interpreting agent. Situating the subject proceeds by locating the self both physically and psychologically. Within a metatheoretical account this necessarily assumes a rather general form, but one which is nonetheless significant in establishing concepts and categories which make more particular analysis and application possible, and which must not be confused with the wilful abstraction of the original position. The significance of the identification of the subject as an agent engaged within physical space is at once as basic and elusive as the claim is trivial. The recognition of the materiality of human experience within the world, and of human perception and cognition of these basic relations – that we can be near, far, up, down, left, right and so on from other objects – appears innocuous. It marks, however, a break with the

32 On Rawls, see Ch. 2 above. 'Hercules' is Ronald Dworkin's alter ego '...an imaginary judge of superhuman intellectual power' who fulfils the Archimedean role whilst cutting a faintly ridiculous swathe through Dworkin's jurisprudential theory. Ronald Dworkin, *Laws Empire* (London, Harper-Collins, 1986), 239 ff.

'Cartesian anxiety'[33] which defined the dominant ambition of modern philosophy as the achievement of epistemological certainty, and made plausible a disengaged and individuated conception of subjectivity. Once it is appreciated that even simple actions (e.g., as I sit in front of a screen pressing a sequence of letters on a keyboard) require a 'context conferring intelligibility'[34] without which the concept of experience would be unimaginable, dualist and mechanist epistemologies become untenable and the situated nature of thought and action clearly emerges. Without some awareness of this context the possibility of meaningful action would be severely diminished, as evidenced by the original position, in which the Rawlsian self is located at a point where the decision of principle is all but incomprehensible.

Rawls's belated and incomplete introduction of aspects of culture and context (in part three of *Theory*, and more explicitly in *Political Liberalism*) is qualitatively unrelated to Taylor's discussion of engagement, and as discussed in the previous chapter is not an adequate response to the critique of the individuated subject. The claim that agency can only be understood within the context in which it takes place is neither causal nor epistemological. It describes neither the determinants of any particular action, nor a state of affairs which is transparently available to the individuated subject (or to normative theory). Engaged agency is not amenable to discussion in voluntaristic terms which view the agent as an isolated observer of an independent reality, and because it does not invoke the conceptual schemes routinely supposed in the discourses of analytic philosophy, the clarification of the concept of engagement *against* those discourses is problematic. Rather than a set of objects or discrete categories, conceived in a Kantian fashion,[35] the notion of a context conferring intelligibility involves a less technical and demanding 'prethematized understanding'[36] which allows us to cope with the world in an ordered manner. The idea

[33] Richard. J. Bernstein, *Beyond Objectivism and Relativism* (Oxford, Basil Blackwell, 1983), 16 ff. Charles Taylor, 'Engaged Agency and Background in Heidegger' in Charles B. Guignon (ed.) *The Cambridge Companion to Heidegger* (Cambridge, Cambridge University Press, 1993), 319-322.

[34] i.e. My perception of the range of objects surrounding me, understanding of my relation to them, and of the results of my action upon them. Taylor, 'Engaged Agency and Background...', 325.

[35] Kant took the question 'how is it possible to have knowledge of objects?' to be one of identifying discrete modes of cognition that make a *priori* synthetic judgement possible. The categories of the *Critique of Pure Reason*, trans. Norman Kemp Smith (London, Macmillan, 1929), are so taken to constitute the conceptual structure of all thought and experience. However, because the first critique takes the categories to be metaphysical in form '...we suppose that objects must conform to our knowledge' (22) in order to explain *their* basis Kant is required to make ultimate appeal to a groundless grounding: 'I have therefore found it necessary to deny knowledge in order to make room for faith' (29). Although the system of transcendental idealism is not sustainable (it being unclear how pure reason can give rise to any such categories, how 'knowledge' of such 'objects' is possible, etc.) as an attempt to isolate the assumptions and presuppositions of cognition and experience it can be seen as a precursor of later, less ambitious explanations (i.e. which do not seek to present categories as metaphysical entities) such as that considered in the present discussion. Taylor points towards such an interpretation in 'Engaged Agency and Background...', 330-32, where Kant is described as the 'pioneer... in whose steps all deconstructors find themselves treading.' See also Taylor, 'The Validity of Transcendental Arguments', *Proceedings of the Aristotelian Society* 79 (1978-9), 151-165.

[36] Taylor, 'Engaged Agency and Background...', 329.

is analogous to that of a moral framework, i.e. as an inescapable and often inarticulate part of the background against which human action becomes possible. It is not a feature of the subject which is susceptible to neutral or objective description, as the situated character of subjectivity – including that of the analytic philosopher – is already enmeshed within and dependent upon it.

From the viewpoint of Anglo-American theory this does not, to say the least, appear to be a promising philosophical approach to either the self or any other area of inquiry. The rejection of a hermeneutic approach on analytic grounds misses the point, however, that this is not an attempt to relocate the search for founding principles from human reason to, for example, psychology, neuroscience or linguistics. An interpretive approach instead aims to effect an overcoming of the epistemological problematic which is achieved positively rather than negatively.[37] Establishing the connection between engagement, agency and human value, hermeneutics attempts to redefine the questions surrounding cognition and subjectivity, not to provide a resolution to the search for stable foundations. Indeed, the primary distinction at work between 'analytic' and 'hermeneutic' approaches is a very basic one: where analytic philosophy presumes or establishes points of uncontroversial fixity as the basis of a critical explanation of moral and political phenomena (what justice *really* is), interpretive theories dispute the possibility of such grounds. Rather than providing, for example, an alternative model of impartiality, hermeneutics invokes a distinction between the objectivist description of an event or concept (e.g. in terms of sense data or mental states), and the interpretation of that event or concept by an agent.

This insistence that meaning and understanding are inseparable from context and interpretation, in terms of which the significance of an event/concept is alone available to the subject, departs radically from the observational stance adopted by ostensibly neutral or abstract theories. The claim of Rawls and his contemporaries that their theories can 'account for' or 'are compatible with' the idea of 'community'[38] overlooks the fact that subjectivity is social in the first instance. The impossibility of an Archimedean point from which moral and political phenomena might be scrutinised, clarified and projected back upon human reason demands that the theory of the subject begins from a point of interpretive engagement.

Taylor's critique elegantly exposes the limits of the epistemological tradition by demonstrating that since human understanding of the world can only be based on our experience within it, a methodology which proceeds by isolating the self from the context that makes its persistence possible is ineluctably flawed. The very idea of independently

37 Taylor, 'Overcoming Epistemology', in Baynes, *After Philosophy: End or Transformation?*, 459-488.
38 Rawls, *Theory*, 264-265. See Ch. 2 §3 above.

representing objects of knowledge, of abstracting and articulating a universal core of human reason, or of identifying the foundational bedrock from which incontrovertible truth must derive, arose as a dominant philosophical model within the intellectual climate of scientific enlightenment.[39] That context made possible – and plausible – the rationalism of Descartes and those following his agenda in various forms to the present day, but that programme is predicated upon a paradoxical ahistoricism which denies the significance of the intellectual climate that makes it intelligible. Once the dependence of the epistemological problematic and the questions it inspires upon those cultural conditions is recognised, the temporality of that 'regional achievement'[40] is brought to the fore and the dominance exerted by its agenda palls. In the case of this essay, for example, the conception of the self as an individuated neo-Kantian substrate ceases to appear axiomatic when confronted by an explanatory scheme which exposes its weaknesses and contradictions, accounts for the provenance of its implicit assumptions, and offers to furnish a more complete account of the theoretical issues at stake.

The application of a hermeneutic approach to the cluster of issues which comprise political theory brings to bear resources which are obscured by a narrowly foundational approach. Although a major strand of twentieth century thought has concerned the overturning of that paradigm,[41] the impact of theories of interpretation within political philosophy has been inconsistent. Pioneering works of 'Continental' philosophy were primarily directed towards aesthetics and literary studies, and as noted earlier are resistant to definitive philosophical formulation. The significance for political theory of such ideas is only now becoming fully apparent, as antagonistic methodological debates mature in a process of intellectual cross-fertilisation.[42] 'Continental' philosophy is as varied as its Anglo-Saxon counterpart, but a concern with understanding and interpreting what Taylor labels 'frameworks,' and which appear elsewhere as language games,[43] inherited

39 Taylor, 'Overcoming Epistemology', 470, 476; 'Engaged Agency and Background...', 330-33.

40 Taylor, 'Engaged Agency and Background...', 330.

41 As noted for example by Bernstein in a passage from one of his earlier works (*Praxis and Action*, 1971) cited at the outset of *Beyond Objectivism and Relativism*, ix. That an author as perspicacious as Bernstein is still engaged in the preliminary working out of the hermeneutical enterprise within social theory bears out the comment above regarding the sporadic impact of interpretive approaches on the discipline. See e.g. Bernstein, *The New Constellation*, (Cambridge, Polity Press, 1991).

42 The obvious figures here being Wittgenstein, Heidegger, Merleau-Ponty and Gadamer. Although the later Wittgenstein is typically treated as either 'analytical' or unquantifiable, the prominence of 'language games and 'life-forms' in the *Philosophical Investigations*, along with his disdain for philosophy as theory and discipline places him clearly within the group of those who turned away from 'traditional' approaches. The influence of these figures, although underlabouring rather than overt, is present throughout Taylor's work. In a sense the idea of philosophy which they cumulatively describe comprises the background within which Taylor's writings operate and gain their coherence. This background is most clearly elicited in *Sources of the Self*, Pt. 1 and Pt. 5, and in the two essays *Overcoming Epistemology* and *Engaged Agency and Background...*, although its presence is discernible throughout his writings.

43 Ludwig Wittgenstein, *Philosophical Investigations*, (trans. G.E.M. Anscombe, Oxford, Basil Blackwell, 1968), I, ¶ 7ff. It is perhaps worth noting that 'language-games' are neither narrowly linguistic nor

backgrounds,[44] prejudice,[45] fore-having[46] and tacit knowledge[47] is a recurring theme. Instead of regarding cultural values, meanings and practices as arbitrary or contingent factors with which theory claims retrospective commensuration, the critical understanding of social phenomena is the focal point of interpretive theory. Hermeneutic philosophy is not necessarily anti-liberal in outcome, but methodologically its resistance to abstraction is from the outset intransigent towards the presupposition and imposition of normative standards of reason, interest and duty upon the self.

[4] Self-Interpretation and Strong Evaluation

The specification of moral frameworks and engaged agency establishes the philosophical background against which the hermeneutic self is developed, but says little about how the self negotiates that conceptual space in order to arrive at an identity or subject position within it. Extending the metaphor of space introduced with the idea of frameworks, Taylor goes on to offer an account of the orientation of the self, emphasising the importance of interpretive and evaluative agency in the formation of identity.

As 'self interpreting animals',[48] human selfhood is distinguished, according to Taylor, by reflexive understanding. In answer to the question 'who am I' most people are able to offer a set of descriptions, values, ambitions and so forth which (although possibly inaccurate) comprise their self-interpretation. Rather than being neutrally descriptive, this involves an articulation of the sense of self maintained by an agent regarding, e.g., roles and positions in society, beliefs and values maintained, relations with (individual and supra-individual) others, and more wide ranging understandings of the contexts within which agency is embodied. As a part of identity this web of articulations is inseparable from the self. It does not describe preferences or represent attributes, but rather simply *is* part of identity. In this sense context and interpretation are constitutive for identity, as they are inseparable from the processes of reflection through which the

monological. A language is not in itself a 'game', rather it is constituted by a multiplicity of 'games', where the word 'is meant to bring into prominence the fact that the *speaking* of language is part of an activity or of a form of life' I, ¶ 23 (emphasis orig.). The connection between use and meaning entails that the positions of Wittgenstein and, for example, Gadamer are closer than might be expected given their radically different approaches to the activity of philosophy. See also ¶ 130, 'language games are...set up as *objects of comparison* which are meant to throw light on the facts of our language.'

44 Ludwig Wittgenstein, *On Certainty*, (ed. G.E.M. Anscombe and G.H. von Wright, Oxford, Basil Blackwell, 1974), ¶ 94.

45 Hans-Georg Gadamer, *Truth and Method*, esp. 235-253.

46 Martin Heidegger, *Being and Time*, (trans. John Macquarrie and Edward Robinson, London, SCM Press, 1962), 190 ff. A reasonably strong case could be made in favour of the argument that Heidegger is *the* significant point of departure regarding these arguments, as discussed in chapter five below.

47 Michael Polanyi, *The Tacit Dimension*; (London, Routledge and Kegan Paul, 1967); *Knowing and Being* (ed. Marjorie Grene, London, Routledge and Kegan Paul, 1969), Pt. 3 and Pt. 4.

48 e.g. Taylor, *Philosophical Papers I*, Chs 1&2; *Philosophical Papers II*, Ch. 1; *Sources of the Self*, Pt. 1.

subject comprehends both himself and the world. The removal or denial of these resources – Rawls's original position being an obvious example – necessarily undermines this process as the subject is left without the means to identify himself intelligibly as an agent engaged within determinate contexts.

Rather than being simply determined by contextual frameworks (and the goods, meanings and practices they support) the process of self-interpretation is one of qualitative discrimination on the part of the self conceived as a 'strong evaluator.'[49] The content of identity is not a simple catalogue of properties and desires; such attributes have a significance for the self far greater than that allowed by Rawls's ordering of pregiven interests and preferences.[50] 'Strong evaluation' involves the discrimination of goods and their significance to and implications for identity, in a manner analogous to Frankfurt's theory of second order desires. A person's self-interpretation might include for example characteristics (for example intolerance) experienced as undesirable. Once recognised as such it might become a person's ambition to actively overcome or repudiate such traits in order to realise alternative, more significant ideals, and in so doing become to some extent a different person.[51] The process of evaluation is therefore also, at least in potential, one of clarification and self-transformation, where in an ongoing and always incomplete process – which over the course of a life exhibits a complex narrative structure[52] – the self is constantly put into question and reformulated in the course of reflection on the content of identity.

Two orders of explanation are invoked in the comprehension of decision, action and transformation. Selfhood is always a process of becoming as well as being, and the temporal structure of interpretation engages the future as well as the present identity desired or envisaged by the self.[53] The interpretation of 'desiribilia'[54] invokes discriminations between activities and sensibilities evaluated by the self as valid *components* of a worthwhile life. These 'life goods'[55] do not define 'the good', but draw upon, and direct the self towards the realisation of, 'constitutive' goods which motivate and ideally lend coherence to the range of elements involved in any complex identity. Constitutive goods are of fundamental significance to identity, evoking overarching

49 Taylor, *Sources of the Self*, 20 ff.

50 As discussed in Ch. 2 §3 above.

51 For example in a manner more closely attuned to the underlying values maintained by the subject. The examples offered by Taylor, of a person struggling to overcome an addiction to cream cakes (*Philosophical Papers I*, 21-3) or cigarettes (*Philosophical Papers II*, 224-5) illustrate the point clearly enough but are strangely non-political.

52 Taylor, *Sources of the Self*, 52, following MacIntyre, *After Virtue*, 204-220.

53 Although as with the role of goods, this temporal structure need not be fully explicit; unreflective followers of hedonism or utilitarianism, for example, might well reproduce the inarticulacy claimed by Taylor for such doctrines in their own self-understandings *Sources of the Self*, 21-4, 332-6.

54 Taylor, Sources *of the Self*, 20.

55 Taylor, Sources *of the Self*, 93.

values in the light of which otherwise less important commitments assume an order and meaning for the self. In a formulation sufficiently candid to make a Kantian blush, Taylor claims that '[t]he constitutive good does more than just define the content of...moral theory. Love of it is what empowers us to be good...[and is] part of what it is to be a good human being.'[56] This might be viewed as an example of the verbiage from which naturalist epistemology sought to liberate philosophy, but to treat it as such is to mistake the form of Taylor's formulation for its content. The idea of the good as constitutive has assumed several forms in the history of ideas. Where earlier standards of the Good – at the apex of Plato's theory of knowledge,[57] or as the 'activity of the soul in conformity with excellence'[58] within Aristotle's conception of the best and most complete life – were conceived as wholly external of man, the inward character of modern thought – in the instance of Kant, for example, as the pre-eminent object of the will – locates the good within the subject[59] but does not alter its philosophical significance. Similarly, Rawls's reluctance to explicitly theorise as goods the autonomy and individuality that he privileges within Justice as Fairness obscures but does not undermine their status as ordering ideals.

A substantive theorisation thus establishes a situated, self–interpreting agent whose identity is formulated in evaluative practices involving the discrimination and realisation of constitutive or strongly valued goods. The pluralistic social and political development of this metatheoretical sketch occurs through the identification of three axes of moral concern which inevitably arise for the self in the course of this evaluative engagement with the world.[60] The first involves the background determinations of human value in terms of which our sense of obligation or respect due to others is grounded, which contributes to the second axis, involving the formulation of a more concrete and particular account of what makes a way of life meaningful and worthwhile, rather than arbitrary or trivial. The third and final element of moral thinking introduces the idea of personal dignity, drawing attention to the importance of self–respect and the extent to which it is dependent upon the character of one's relationships to others – involving, for example, the fulfilling of a range of social roles or the public recognition of particular talents or actions – rather than being a primary good susceptible to distributive manipulation. Both facets of this conception of dignity (the subject's sense of self–worth,

56 Taylor, Sources *of the Self*, 93.

57 e.g. Plato, *Republic* 585-92.

58 Aristotle, *Nicomachean Ethics*, 1098a.

59 The 'turn' locating the good within man, rather than as an external source reflecting an objective 'cosmic' order is typically seen as inaugurating in St. Augustine. See e.g. Taylor, Sources *of the Self*, Ch. 7; Taylor, 'Inwardness and the Culture of Modernity', Axel Honneth et. al. (eds.), *Zwischenbetrachtungen Im Prozeß der Aufklarung* (Frankfurt, Suhrkamp Verlag, 1989), 601-623; Alasdair MacIntyre, *Whose Justice? Which Rationality?* (London, Duckworth, 1988).

60 Taylor, *Sources of the Self*, 15 ff.

and the affirmation of that sense by others) draw upon and fill out the more general ideas of human value, and of conceptions of the good, which provide the grounds of their intelligibility. Moral thought is not exhausted by the ascription and application of a procedure or criterion of universal respect.[61] The respect we extend to and receive from others is not simply a matter of universal right; beyond such formalities it involves a complex social processes where persons recognise, relate to and value the goods, choices and identities of others in various ways. Taylor's specification of the significance of goods for identity thus transforms an abstract respect for choice into a practical and concrete moral concern with its contexts and content.

The elements of method outlined in the course of the discussion permeate subjectivity in a complex manner. Although each person's self-interpretation is their own, it is not a possession in an individuated sense. The formation and reformation of identity is an ongoing and crucially *intersubjective* process. No less than textual interpretation, self-interpretation is a linguistic activity, entailing that '[h]uman beings are constituted in conversation...what gets internalised in the mature subject is...the whole conversation with the interanimation of its voices.'[62]

The dialogical, relational constitution of subjectivity is irreducibly multifaceted. Participation in intersubjective, evaluative activities pervasively contributes to the understanding of self and world in ways that are not always easy to specify,[63] but which function to affirm identity in the social practices of everyday life. Were I suddenly to develop the conviction that I am, in fact, Napoleon Bonaparte, or that my true vocation lies in becoming an astronaut then my present self-interpretation would be put into question. In these extreme cases I would hopefully be reminded that I am manifestly not Napoleon and lacking in the skills required of an astronaut. The above examples are obviously rather facile, but hopefully indicate how less extreme instances, perhaps concerning the choice of a career, the affirmation of political or theological values, personal commitments and relationships and so forth, are no less questions of self-interpretation. When considering these and other issues of value and commitment we offer an account of ourselves both as individuals and in relation to others, and when these interpretations become areas of uncertainty reflection and deliberation upon those

61 As suggested by Habermas, *Justification and Application*, 128: '...the fact that moral theory does not aspire to anything over and above the task of reconstructing the moral point of view and justifying its general validity does not amount to a deficiency.' Taylor responds to this potential objection by noting that '...if we adopt this definition [of morality] then we have to allow that there are other questions beyond the moral which are of central concern.' Taylor, *Sources of the Self*, 14.

62 Taylor, 'The Dialogical Self', in James F. Bohman, David R. Hiley and R. Shusterman (eds.), *The Interpretive Turn: Philosophy, Science, Culture* (Ithaca, Cornell University Press, 1991), 314.

63 Evidenced for example by understandings of good and bad taste, appropriate and inappropriate behaviour and so on. These ideas are probably a matter of habituation more than anything else, but they describe common codes which would be difficult to articulate and justify, being part of the normally unobtrusive backgrounds against which agency takes place.

understandings and relationships (involving social institutions, meanings and practices as well as groups and individuals) makes possible a revision or transformation of the axes of thought defined by Taylor, and hence of the identities to which they contribute. Such processes involve negotiation between the self and others, and are inevitably plural and dialogical. In a more subtle manner than the examples above imply, interpretation and evaluation are thus ever present in the unfolding course of a reflexive life.

[5] Defining Contexts: Language , 'Community', Politics

THE AXES OF MORAL THINKING identified by Taylor insinuate identity within the social world, relating interpretations and understandings of both self and good to the contexts in which they arise. Presented in an extremely strong manner, practices involving evaluation and interpretation are associated by Taylor with 'undamaged human personhood.'[64] Their lack would be experienced by the self as an identity crisis; unable to locate himself upon the conceptual map of moral space, the world would be experienced in a disorienting fashion characterised by uncertainty regarding, for example, which activities and commitments are good and bad, worthwhile or futile, significant or trivial to his identity. This argument - broadly paralleled in areas of contemporary sociological and psychological research[65] - raises questions concerning the inescapable status which Taylor attributes to moral frameworks, self-interpretation and strong evaluation.

As the importance accorded to evaluation and interpretation suggests, language is 'anthropologically strategic'[66] for Taylor's account of identity in a wide sense implicating the range of communicative and symbolic media through which people experience and interpret the world. The recognition of the self as a linguistic being challenges epistemologies which view language as an inert medium of description with a more complex understanding of symbolic and linguistic communication. Although a range of everyday linguistic acts can be unproblematically treated as designative in form (i.e. referring transparently to states in the world - 'the bowl is on the table', 'the train has left the station'...) the attempt to theorise language in terms of correspondence and

64 Taylor, *Sources of the Self*, 27.

65 See e.g. Harry Frankfurt, 'On the Necessity of Ideals', in Thomas E. Wren and Gil G. Noam (eds.), *The Moral Self* (Cambridge, MA., MIT Press 1993), 16-27, and Robert Bellah et. al. , *Habits of the Heart* (Berkeley, University of California Press, 1995), 287-292. The sense of anomie and lack of meaning chronicled by Bellah and his co-authors is interpreted by Taylor as part of a shift in the 'dominant patterns of psychopathology' from the Freudian model of hysteria, phobia and neurosis to the present state of affairs where 'complaints centre around "ego loss", or a sense of emptiness, flatness...or loss of self-esteem.' Taylor, *Sources of the Self*, 19.

66 Taylor, *Philosophical Papers I*, 216.

representation[67] overlooks the significance of language as medium of expression and realisation as well as description.

The philosophy of language which Taylor labels 'expressivism' is more a general methodological perspective than a singular doctrine. The 'central notion,' that the realisation of the subject takes place through the formulation and expression of human meanings in language, is presented as a dominant concern of the cultural transformation wrought by the *Sturm und Drang* in late eighteenth century Germany. The satisfactory identification and classification of diffuse intellectual movements is always problematic, if not impossible, but setting to one side the historical detail of this interpretation a clear set of philosophical themes emerge from Taylor's discussions of (amongst others) Fichte, Schelling, Hölderin, Herder and Hegel.[68]

The designative stance towards language advanced by rationalists and empiricists alike was intimately bound up with the advancement of natural science in the seventeenth century. The period of Enlightenment was above all one of methodological transformation as the metaphysics of ancient Greece and medieval Christendom gave way to a scientific (but no less metaphysical)[69] world view. Earlier approaches to language viewed the world as an intrinsically meaningful place, dimly perceived but nevertheless accessible through the interpretation of texts and symbols. [70] The notion that human

67 Taylor, *Philosophical Papers I*, 252.

68 References to Hegel and Herder abound throughout Taylor's writings, but in particular see Taylor, *Hegel*, pp. 17-46; *Philosophical Papers II, Pt. III*; *Sources of the Self*, Ch. 21, Chs. 24-25; 'The Importance of Herder', in Edna Margalit and Avishai Margalit (eds.) *Isaiah Berlin: A Celebration* (London, The Hogarth Press, 1991), 40-64.

Perhaps due to the dominance in Germany of Goethe the *Sturm und Drang* is often characterised as a romantic movement. The relationship between expressivism and literary romanticism is however as complex and ambiguous as the two terms themselves. Both movements looked upon nature as a source of meaning rather than a neutral, contingent set of facts and relations to be explored and dominated. Where the Romantic poets saw the realisation of nature in man as the achievement of the spontaneous, inspired or emotional individual (a travesty of Rousseau's comparison of nature and human sympathy with the artifice and vacuity of enlightenment and encyclopaedia), expressivism appeals to both reason and nature, as e.g. Kant, Schelling and Hegel each viewed reality (albeit in different ways) as ultimately spiritual in nature, but as a reality which was to be realised in the world through the exercise of rationality rather than the subjectivism of unconstrained imagination. This distinction between 'aesthetic' romanticism and 'philosophical' expressivism is not always a clear one, however, given the broad Idealism common to both movements. Taylor's usage of the terms is not always as crystalline as one might hope. See e.g. *Sources of the Self*, Chs. 21-25, where the discussions of romanticism, expressivism and 'post-romantic' modernism use terminology such as 'romantic expressivism' in a manner suggesting that whilst romanticism and modernism are typically expressivist, expressivism is not synonymous with either romanticism or modernism. Although the label is useful in the present instance for the demarcation of themes, the categories are not amenable to hard and fast definition, and within a detailed examination of the eighteenth or nineteenth century (involving e.g. visual and musical as well as literary composition) might well emerge as inadequate or even misleading.

69 In that physics and mathematics were (and often are) are taken to offer, or potentially offer, a correct and final account of underlying structures of the world, etc.

70 e.g. the Platonic model conceived the task of philosophy as that of incessant questioning in dialectical pursuit of a timeless order of Ideas and cosmic purpose (*telos*) underlying the chaotic appearance presented by the phenomenal world. Theological ideas of the world as a web of interrelated signs manifesting the

meaning might originate outside of the individual subject lacked credibility within an intellectual climate organised around the principle of deductive clarity. Nominalism identified meaning as a property of language possessed by individuals, and the conception of language as symbolic was replaced by a model which viewed it as an 'instrument of control in gaining knowledge of the world as an objective process.'[71] The avoidance of metaphysical error demanded an obsession with definition, clarity and consistency of use in order that an unambiguous relation be established between the subject and object of language, between the individual mind and the world which it inhabits. In Rorty's memorable metaphor[72] this dualism produces a conception of mind as a 'mirror of nature' from which the individual receives distinct impressions of the world as atomic data to be reassembled and ordered as concepts, represented to the subject transparently by the names associated with them.

German philosophy in the late eighteenth century was a reaction to, as well as a continuation of, the ideas introduced by earlier movements in Scotland and France.[73] Enlightenment, 'man's emergence from his self-incurred immaturity'[74] ruled out the possibility of a return to ancient or medieval paradigms of thought. As imposed upon the concept of self, however, the objectifying epistemology of the new science supported reductive theories of instrumental rationality, mechanistic psychology and utilitarian morality. These modes of rationality estranged the 'punctual' self from the world by representing society to the subject as an aggregation of dissociated individuals bound by relations of competition and struggle, rather than engaged upon the realisation of a common life.

Expressivism addresses the limitations of radical enlightenment by theorising the reflexivity involved in the most simple use of language. The relation between word and object is not a simple identification and association of mental content and designative label, as reflective awareness is involved in the production and recognition of the most elementary communicative act. Rather than being 'merely the external clothing of thought,'[75] through which meaning can be verified by comparison with observable states in a distinct and independently available world, language operates across the range of human activity[76] as the ever changing medium and capacity in which thought and

omnipresence of god similarly emphasised the interpretation of texts (be they Christian, Talmudic or Cabalistic) as part of the search for a meaningful order awaiting always deferred scriptural revelation.

71 Taylor, *Philosophical Papers I*, 226.

72 Rorty, *Philosophy and the Mirror of Nature*.

73 Particularly concerning the new methodology of science advanced in particular by Bacon and Galileo, and demonstrated in the works of Descartes, Leibniz, Spinoza and Hobbes.

74 Immanuel Kant, 'An Answer to the Question: What is Enlightenment', Hans Reiss (ed.) *Kant: Political Writings* (Cambridge, Cambridge University Press, 1991), 54.

75 Taylor, *Philosophical Papers I*, 235.

76 Language does (unarguably) describe and classify, but does so in a complex way bound up with meaning, hierarchy, subtext, etc. Since our understanding and interpretation of concepts and events in the

meaning are constituted and expressed. Indeed, the obsession with language characteristic of twentieth century philosophy might well be viewed panoramically as a series of attempts to come to terms with the indeterminacy of meaning inherent in the activity of language conceived as a reflective process.

The premise underlying expressivism on Taylor's account is that '[w]hat is crucial to language is what is realised in speech, the expression/realisation of reflection'.[77] The recognition that meaning is dependent upon language and linguistic practices, involving arrays of structurally unstable contrasts and differences between words, idioms, contexts, etc., enlarges the subject of speech from individual words to language as a whole. Such holism is neither arbitrary nor question begging given that the understanding of any particular use of language requires an appreciation of the context within which it is situated. Rather than a resource with which we can summon and command, language both precedes and exceeds our experience and use, being the medium within which subjectivity is 'plunged' and can never fully master.[78]

Three claims emerge from the themes outlined above. Firstly, language is the medium of reflection in which human meanings are formulated and expressed; they are not 'described' or 'represented' in language, but are constituted by it. Secondly, language must be viewed as a whole which is always provisional and in transition through use, a network of overlapping meanings, ambiguities, regularities and differences where, however implicitly, '[i]n touching one part of language (a word) the whole is present.'[79] Thirdly, understanding is linguistic and so contextual. Language surrounds the self, a historical and collective resource outside which the individual cannot be placed.

This analysis inevitably raises questions. What exactly is it that receives expression and realisation in the ever-present medium of language? Once the subject of speech becomes the language rather than the word or sentence, in what terms are the boundaries of language and idiom to be drawn given that the predication of meaning upon difference demands the identification of boundaries and the naming of differences? And what is the character of the relation between subjectivity and language, other than the established but vastly general 'within'? Although ostensibly apolitical, the pursuit of these questions draws aspects of this discussion concerning frameworks, pluralism and embodied agency towards a convergence which situates and politicises language and subjectivity in order to make an explicitly interpretive political theory possible.

The first, concerning the actual content of expression, can be initially if crudely answered by 'all human understanding and experience'. This ambitious claim is of course

world is dependent on language, the construal of action as being (at least in part) linguistic does not involve the imposition of a limiting class of relevant 'speech-acts' or 'illocutionary-forces'.

77 Taylor, *Philosophical Papers I*, 231.

78 Taylor, *Philosophical Papers I*, 238.

79 Taylor, *Philosophical Papers I*, 231.

question begging, but underlines the extent of the transformation which occurs in the theory of language after arguments against representation attain prominence. As the picture of language as a descriptive entity *between* the subject and the material world fades away, it takes with it notions concerning the separateness of the subject from the body, from the world, from language, and from others. The epistemological problem of the independent subject of cognition is replaced by a concern with the production and interpretation of meaning, experienced in language by the situated agent with an immediacy which reveals the attempt to establish an interpretation-free (i.e. Archimedean) standpoint to be linguistically unattainable as well as philosophically undesirable.

Justice is neither a metaphysical object awaiting procedural revelation, nor an antirealist conception to be constructed using a (perhaps ironically) similar methodological apparatus. Narrowing the grammatical distance between subject and object does not invite the reintroduction of invalid criticisms concerning the abandonment of a critical perspective, as the situated conception of subjectivity is explicitly reflexive from the outset, and is not prey to the excesses of radical disengagement or encumberment.[80] The embodied, interpretive character of subjectivity instead draws attention to the production and reproduction of meanings and goods in practices of speech, reflection and action. The universality of hermeneutics[81] incorporates justice, no more or less than any other human phenomena, within the field of interpretation.

A slightly more nuanced approach distinguishes two historical accounts which help to clarify the range of possible meanings available to realisation in language.[82] The 'Romantic expressivists' of the *Sturm und Drang* espoused an ideal of aesthetic self-creation, an individualist vision of 'self-unfolding spirit'[83] which effected a synthesis between imaginative individual freedom and spiritual unity with an idealised concept of nature. The twentieth century antithesis of this extreme subjectivism[84] occurs in the tautological assertion that it is the power of expression itself which is made manifest in

80 e.g. Sandel, *Liberalism and the Limits...*, 179.

81 Gadamer, *Truth and Method*, 432: 'The hermeneutical phenomenon...draws into its own universality the nature of what is understood, by determining it in a universal sense as language, and its own relation to beings, as interpretation. Thus we speak not only of a language of art, but also of a language of nature, in short, of any language that things have.'

82 Taylor, *Philosophical Papers I*, 238. The essay concerned 'Theories of meaning' identifies the two accounts without using them in order to outline the boundaries of expressive potential.

83 Taylor, *Hegel*, 36 - 51. The 'strong poets' idealised by Richard Rorty may well be a modern equivalent of this conception (despite Rorty's much avowed anti-essentialism). Rorty, *Contingency, Irony and Solidarity* (Cambridge, Cambridge University Press, 1989), Ch. 4.

84 It is perhaps worth noting that this strain of idealism is pre-Hegelian. Hegel's logic and metaphysics, although idealist, are obsessed with the concrete manifestation of Idea in the world, and as such are neither aestheticist (although Hegel treats of the aesthetic as part of his overall system) nor subjectivist in the Romantic manner of his near-contemporaries.

language, rather than (or, possibly, as well as) particular meanings in determinate contexts. A popular Heideggerian sound bite proclaims, for example, that 'it is language which speaks. Man speaks insofar as he replies to language by listening'.[85] Taylor notes the 'radical anti-subjectivism' involved here and offers the explanation that 'in this kind of expression we are responding to the way things are, rather than just exteriorizing our feelings'.[86] This may be plausible within delimited spheres addressing the literary and 'epiphanic' arts, but as part of a wider account of language and the basic character of human existence – in which context it is identified by both Heidegger and Taylor – the claim is best seen as either facile or disingenuous.

The erasure of the subject from the analysis of language reduces that study to a spurious metaphysical or possibly theological search for 'Being', rather than an attempt to further the project of philosophical anthropology as indicated at the outset of this discussion. In failing to recognise language as 'master of man', Heidegger claims, language is somehow reduced to a level of expression where it 'can decay into a mere medium for the printed word.'[87] Exceeding Socrates' privileging of the spoken word over its written counterpart,[88] the idea that language discloses 'Being' independently of human reflection and action is blatantly incoherent insofar as it is itself an act of interpretation expressed in language. Furthermore the idea that language precedes 'man' in an ontological (rather than merely temporal) manner is anti-humanist rather than anti-subjectivist.[89] This movement subordinates the human to the linguistic, and so dissociates the theory of language from questions of human ethics, morality and politics.[90]

[85] Martin Heidegger, *Poetry, Language, Thought*, trans. Albert Hofstadter (New York, Harper and Row, 1971), 215-216. The phrase occurs in the course of an essay examining a line from Hölderin, "...Poetically Man Dwells...". 'Dwelling' is taken to be the 'basic character of human existence'; in turn 'poetic creation, which lets us dwell, is a kind of building'; and we 'receive' our information about the nature of dwelling and poetry from, you guessed it, language. Unfortunately, 'man acts as if he were the shaper and master of language, while in fact language remains the master of man. When this relation of dominance gets inverted, man hits upon strange manoeuvres.' It is difficult to judge whether this barely intelligible 'insight' is profound or preposterous, but in the absence of the 'measure of the godhead' (229) it is prudent to accept the latter explanation.

[86] Taylor, *Philosophical Papers I*, 239.

[87] Heidegger, '...Poetically...', 215. The extent of Heidegger's writings makes this statement difficult to take seriously, and although this seems like a facile objection I am not sure that it really is.

[88] Plato, *Phaedrus and Letters VII and VIII*, trans. Walter Hamilton (London, Penguin, 1973), 275 ff.

[89] This is of course a rather hasty assessment. A more charitable interpretation suggests that Heidegger is hoping that the 'truth of Being' will be 'disclosed' or 'unconcealed' to 'beings' in the 'clearing' or 'lighting' of language. Such 'disclosure' apparently makes possible relationships of appropriate coexistence between Being, beings, technology and the world. In these terms the approach is not subject - centred, but is perhaps of fundamental anthropological importance. Heidegger's failure to concretely specify 'Being' in any sense, other than in terms of mystical comparison and sub-Platonic metaphors of light, makes such a position difficult to maintain with a straight face.

[90] Although Grondin, *Introduction to Philosophical Hermeneutics*, 102-5, argues that the effective disappearance of the term 'hermeneutic' from Heidegger's work after 1927 is largely incidental, given that 'language' and 'interpretation' are synonymous. However, Grondin agrees that 'Dasein is no longer considered the potential agent of its interpretive projects...rather, it receives them beforehand from the

The approaches offered here as eighteenth century romanticism and twentieth century anti-humanism are to a certain extent caricatures. In marking out historical extremes, however, they help to define the concerns of a properly political and anthropological theory, 'a contemporary expressivism which tries to go beyond subjectivism in discovering and articulating what is expressed'[91] without erring in the opposite direction by reducing subjectivity to a function of language and removing it from the purview of theory. The demarcation of the boundaries of expression proceeds by noting that language makes possible the range of human ideas, concepts, emotions, sensibilities, etc. Any understanding of these aspects of identity is only available to the self through the possession and use of language. This usage can be either external and performative – such as an utterance or non-vocal act, or internal – self-related inward reflection and interpretation.[92] Both 'internal' and 'external' activities have a common basis in language, being part of ongoing discursive processes.[93] In the absence of an Archimedean starting point the identification and analysis of distinctly *political* elements within the proliferating domain of language is problematic, but by outlining a series of relations between language and subjectivity a range of clearly significant political aspects emerge.

The romantic sensibility predictably located the possibility of aesthetic fulfilment, that is to say of human perfection, within language. Although overstated, the notion that through reflective insight, or perhaps by epiphanic revelation, the individual might find

mostly subliminal history of being.' (103) It is difficult to see how this is good news for the hermeneutics of the self.

91 Taylor, *Philosophical Papers I*, 247.

92 Such as '...the internal speech we rarely cease addressing to ourselves silently, or to absent others.' Taylor, *Philosophical Papers I*, 248.

The self-relation constituted by this 'speech' is an important condition of identity. Writing in a different context Hilary Putnam invites us to 'consider the perfectly possible man who does not have any 'interior monologue' at all. He speaks perfectly good English, and if asked what his opinions are on a given subject, he will give them at length. But he never thinks (in words, images, etc.) when he is not speaking out loud; nor does anything 'go through his head', except that (of course) he hears his own voice speaking and has the usual sense impressions from his surroundings...This man seems perfectly imaginable. No one would hesitate to say that he was conscious...' Ignoring the question of whether this man is indeed perfectly imaginable or possible, if he did or does exist then he might be considered conscious but not *self-conscious*. Putnam's description is more that of a stimulus-response mechanism than a human being (although in the context of Putnam's essay its role is not a behaviourist one). The lack of an internal voice implies an absence of reflexivity in the man, which puts into question the his capacity for creative language use, self-scrutiny, evaluation and other linguistic talents connative of self-awareness. To the extent that self consciousness is a condition of identity, the man would lack, or have an incomplete, sense of identity. Hilary Putnam, *Reason, Truth and History*, (Cambridge, Cambridge University Press, 1981), 20.

Note also that 'performative' is used here without controversial intent, that is without reference to the notion of 'performativity' employed by e.g. Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (London, Routledge, 1990).

93 'Internal' language usage is not the same as private action. Insofar as languages are public phenomena no action or interpretation can be private in the sense that 'private' means separate from, and not dependent upon, the availability of a common space of language and meaning.

completion or absolute realisation exposes a less dramatic but more important quality of language. The ability to express human goods and related aspects of identity in language confers upon them a reflective dimension[94] which is unavailable to a static theorisation of the self such as that presented by Rawls.

The self attains realisation through interpretation in the sense that the absence of reflection is suggestive of an (at best) occluded sense of identity. In attempting to answer the questions posed by embodiment within and experience of the world a level of reflexive clarity is attained which would otherwise be neither available nor imaginable. Seeking appropriate terms of understanding furthers the development of a consciousness where 'we can bring to explicit awareness what we formerly had only an implicit sense of.'[95] It is language which allows this formulation and refinement, and in so doing the process itself is inseparable from identity insofar as the act of interpretation is integral to the understanding produced. These activities cannot occur in the epistemological vacuum of the isolated mind, as the public recognition of introspective reflection requires the external manifestation of the resulting interpretation. Thus one basic sense, or perhaps definition, suggests that languages are intersubjective activity (sets of activities) in which identity attains realisation through articulation. Language so comes into focus as the element in which the components of this discussion - moral frameworks, engagement, evaluation and self-interpretation - coalesce within a complex theorisation of subjectivity.

The range of possible contexts available to the hermeneutic self involves depths of particularity beyond the metatheoretical grasp of this or any comparable discussion, but their very identification indicates the presence of circumstantial and linguistic regularities which are in some measure consistent over time. The observation that these sites occur wherever language does, although banal, illustrates that the sharing of a language involves the sharing of a context. Dialogue is only possible because, and to the extent that, we have in common languages through which collective deliberation, decision and action can occur. Moral and political concerns are formulated in the course of discussions where interpretations and conflicts over goods, meanings etc., and their political consequences, attain clarification and disclosure[96] in the world. Public spaces are thereby produced by interlocutors creating in dialogue what Taylor labels 'the life of the speech community.'[97] Although sometimes implicit or of minor import, politics is always present within these conversations, which constitute and publicly manifest the range of

94 Taylor, *Philosophical Papers I*, 233.
95 Taylor, *Philosophical Papers I*, 256-7.
96 Taylor, *Philosophical Papers I*, 269.
97 Taylor, *Philosophical Papers I*, 234.

social categories and subject positions, and the associations and antagonisms to which they give rise, both within and across linguistic contexts.

As relations of hierarchy, authority, freedom, domination etc., are realised and embodied in language, effective participation in the political life of a 'speech community' requires an understanding of the conventions and practices through which such phenomena are constituted.[98] Public dialogue necessarily concerns the values established from the outset as being of fundamental significance to the self, for which speech communities function as the 'context conferring intelligibility'.[99] The deliberations of both individual and collective actors depends upon the availability of a mutually held vocabulary of goods and concepts, because in the absence of a more or less stable set of preunderstandings of and agreements about the world the possibility of discourse and all that follows from it is greatly diminished, if not destroyed. The omnipresence of language suggests that without such agreements we cannot exist for one another as human beings in a full sense; i.e. as equal agents, with identities demanding recognition, affirmation, respect, etc. But simultaneously the complexity and contingency of language precludes the establishment of a final or complete vocabulary, making politics – conceived[100] as debate regarding the formulation of meanings and identities, and the relations thereby manifested in the world – one of the 'facts of our language,'[101] and hence of the contexts constituted by it.

The formulation and articulation of identity within this array of conversations is an achievement of the self, and by no means an inevitable or automatically available process. For example, although dissonant voices will be present at the margins of discourse,[102] in any given situation a range of possible interlocutors may be excluded, be unwilling or unable to participate, seek to undermine a discourse, attempt to withdraw from one dialogue in order to inaugurate another, and so on. Furthermore, conceptual disputes

98 In order to take part in a discourse one needs to understand the language, and that understanding implies access to the range of social relations articulated by it where 'the degree and manner of the articulation is an essential determinant of the relation.' Taylor, *Philosophical Papers I*, 271-3

99 See §3 above.

100 Alternative conceptions of politics (of empiricism, as rational choice, of ideological models, etc.) are of course always available and even necessary within an approach claiming a pluralistic status. Such methodologies are also constituted in language and are hence never neutral or impartial, but suppress (or are simply unaware) of the interpretive dimension of their own constitutive terms. They are no less 'political theories' for that, but an explicitly hermeneutic approach generates a level of philosophical awareness which is simply unavailable to less reflexive methodologies, and is in turn able to support a more subtle and illuminating theorisation of both anthropological and advocational issues.

101 Wittgenstein, *Philosophical Investigations*, ¶ 130. Debate about political concepts, their meaning and use, are part of the practices of reflection, comparison, criticism etc., in which 'language games' operate. See also ¶ 241–2. '...It is what human beings *say* that is true and false; and they agree in the *language* that they use. That is not agreement in opinions but in a form of life....If language is to be a means of communication there must be agreement not only in definitions but also (queer as this may sound) in judgements.'

102 Although there is a point of eradication from discourse, in the historiography of a language the silence of a previously present voice can itself speak volumes.

within ostensibly 'fully shared systems'[103] are inevitable as 'speech communities' are not hermetic discursive units and any site of communication is likely to be experienced by its members in different ways. The interpretation of commonly maintained concepts across a context is necessarily varied (in however subtle a manner) due to the range of contingent factors constantly impacting upon those engaged within it, and the activity of any group so includes ongoing debate about the use and meaning of its vocabulary.[104]

This conceptual uncertainty is compounded by the plural and intersubjective constitution of vocabularies in the diffuse activities of overlapping speech communities, relating to and affecting each other unpredictably in the formulation of agreements and disagreements over commonly held but divergently interpreted meanings. In addition, individuals rarely (if ever) find themselves within the limits of a single context. In complex societies the subject commonly occupies a range of roles and positions,[105] simultaneously participating in a range of linguistic contexts and social practices.

These roles evolve and change as the significance of identifications fade, shift, are transformed and are superseded by others in the course of a life. The sheer complexity of identity compounded by the indeterminacy of language established by this *still* abstract discussion is daunting. The range of everyday social relations and the dialogues in which they are constituted and negotiated are not, however, in permanent flux. Although identity is always incomplete and open to (potentially extreme) revision, being *open to* question is different from being permanently *in* question. That a state of affairs is contingent rather than necessary does not entail that changes in that state are arbitrary or inexplicable. Indeed, the opposite is more likely since although radical transformation of a person or context is always imaginable it is rarely the norm. Although it is formulated through participation in a range of potentially inchoate contexts, personal identity is ordinarily experienced as physically and psychologically continuous over time, within a series of environments and social roles which are similarly impermanent but intelligible in their evolution. Self-interpretation and strong evaluation function to relate and cohere the diversity of experience in the form of an articulated identity. As with the temporal structure of personal identity, environments of publicly debated and articulated meaning develop more or less coherently over time. The persistence of society and identity – that

103 The term 'fully shared system of concepts' is adapted from William E. Connolly, *The Terms of Political Discourse*, 3rd. ed., (Oxford, Basil Blackwell, 1993), 10 ff.

104 This comment about vocabularies recalls Alasdair MacIntyre's definition of a practice based tradition of thought as 'an historically extended, socially embodied argument...in part about the goods which constitute that tradition'. Alasdair MacIntyre, *After Virtue*, 222. Although Taylor and MacIntyre have common concerns about the efficacy of liberalism, MacIntyre's controversial and apocalyptic diagnosis of 'modernity', repudiation of politics, advocacy of St. Thomas and other views extend far beyond the scope of the present essay. See Taylor, 'Justice After Virtue', in M. Benedikt and R. Berger (eds.) *Kritische Methode und Zunkunft der Anthropologie* (Vienna, 1985), pp, 23-48.

105 i.e. In nations and other territorial demarcations, associations, institutions, families, groups etc., as parent, sibling, partner, fellow member, employee, co-worker, and so on...

we are ordinarily able to communicate despite the lack of ideal conditions, and are able to articulate a intelligible identity in both language and action despite its contingency and incompleteness – indicates that discursive and psychological continuity outweighs the semantic disorder suggested by a picture of language as a fragile set of arbitrary symbols in danger of imminent collapse into meaningless.

Debates about the meaning, use and significance of ethical and political concepts arise both within and between speech communities. Identity is formed through the participation of the subject in a range of discourses, where the vocabularies of politics are stated, embodied, enacted, debated and reproduced in the many and varied structures, conventions and institutions which make up the public life of a complex society. Practices of interpretation and action are constituted (however implicitly or unconsciously) by concepts and beliefs about the meaning and significance of those concepts to identity. Politics organises itself around these concepts and is simultaneously about their meaning and realisation. It thus concerns the interpretation of *essentially contested concepts*.[106]

Identity and language emerge from this analysis as interdependent and indeterminate, but sufficiently robust and temporally consistent to constitute as politics a set of debates concerned with the meaning and interpretation of shared concepts, and with the expression of those concepts as political action in the formation of identity. Although politics is implied or is potentially present in all intersubjective activity, the expressive theory of language only prepares the way for political theory, and cannot establish that theorisation in itself. By remaining silent about particular cases of conflict and advocacy, the manner of their deliberation, its location, institutionalisation and so forth, all that the present discussion establishes is an anthropological outline, the elaboration of which as political theory will be the task of part three of this essay.

Before that elaboration takes place the consideration of principal objections to Taylor's project, and to hermeneutics as a philosophical discipline, will establish and

106 Although today more often associated with William Connolly, the term was first advanced by W.B. Gallie, 'Essentially contested concepts', *Proceedings of the Aristotelian Society* 56 (1955-6), 167-198. Gallie offers 'a single explanatory hypothesis calling for some fairly rigid schematism' (168) in order to combat the relativism and irrationalism of 'what Mr. Hampshire has so aptly called "the new obscurantism".' (196) Although Gallie does not argue that his scheme 'can be laid on to eliminate conceptual confusions wherever they arise' he does claim that it '*can* give us enlightenment of a much needed kind.' (168, emphasis. orig.) Such optimism about the possibility of *philosophical* resolution of conceptual disputes, along with Gallie's fairly rigid scheme (171-3) is difficult to sustain given the decline of conceptual analysis in the period following the composition of his paper. Despite this his identification and discussion of essentially contested 'appraisive' concepts is of undoubted value. It is also worth noting that Gallie offers his criteria (VI and VII) in part as a means of distinguishing a class of essentially contested concepts from a supposedly insensible set of 'radically confused' ones (180) which are effectively meaningless. The very identification of a disputed concept within a language suggests, however, that although contested and perhaps indeterminate, it cannot be radically confused, incoherent, meaningless, etc., otherwise we would not be able to say *anything* about it all, never mind have discussions about meaning and use.

defend the position developed thus far. In addition, the justification of Taylor's methodology involves further comparisons with Rawls's work, the elaboration and defence of Taylor's formulation of realism, and a response to critical assessments of the role of reflection within contemporary political philosophy. Although somewhat technical, these issues underlie the more obvious differences of methodology and advocacy which are at stake between hermeneutic, analytic and other schools of thought. As such they are indispensable concerns of a thorough evaluation and comparison of situated and individuated conceptions of the self.

CHAPTER FIVE

Interpretation and Justification

[1] The Hermeneutic Circle

The sheer volume of the literature addressing the 'liberal–communitarian debate' is unfortunately not a measure of the depth of consideration which Taylor's work has been accorded. In particular, discussions – such as those mentioned earlier[1] – which treat 'communitarianism' as an established political standpoint consistently overlook the distinction between anthropology and advocacy. The failure to differentiate these two related but distinct philosophical moments is perhaps at the root of common misunderstandings of 'communitarianism' firstly as a distinct 'school of thought', and secondly as a 'school' supportive of a conservative or uncritical political position. A corollary of this oversight is that the hermeneutic character of philosophical anthropology, and the expressive role of language within it, are also typically unexamined. Indeed, despite the prominence of language in other areas of philosophy, questions of meaning, interpretation, and understanding are largely ignored by Anglo-American normative political theorists. This omission is perhaps unsurprising given that the availability of an unproblematic stock of intuitions, concepts and meanings is presupposed in both major statements of Justice as Fairness. The limited impression made by the linguistic turn on Rawls and his supporters means that the methodological assessment of Taylor's position cannot take the form of a direct confrontation between substantive and procedural approaches. The examination will instead begin by considering the defining component of all explicitly hermeneutic philosophies.

The universality claimed for interpretive understanding towards the end of the previous chapter, which underpins Taylor's account of the intersubjective production of

1 See Ch. 3 §3 above.

meaning, is a version of the explanatory argument known as the hermeneutic circle.[2] Predictably enough, however, the hermeneutic circle does not command universal assent, and it has been suggested that the interdependency of part and whole, text and context, general and particular, although ostensibly innocuous, entails that the relationship between the 'arcs' which make up the figure of the 'circle' is a viciously self-referential one. If the context of an examination also constitutes the terms of its validation then interpretation ceases to be critical, functioning rather to support and affirm prevailing conditions rather than to interrogate and challenge parochial customs and practices.[3] This objection is however a superficial one. Although explanatory circularity is unavoidable it is only viciously self-referential from a standpoint that seeks to impose 'objective' or 'universal' standards of reason, or which requires the justificatory leverage promised (but not provided) by the context-free illusion of Archimedean judgement. The reflexivity inherent in language, and the depth of analysis underlying the theory of interpretation, offers ample evidence that the circle is far from being a 'simple' one where language uncritically constitutes and validates social meanings, conventions, practices, and so on.

More careful scrutiny of the hermeneutic circle predictably leads to a more pertinent critique, maintaining that the universality claimed for hermeneutics can have disastrous philosophical consequences which include but extend far beyond superficial relativism. These issues emerge in the course of a discussion of Heidegger's influential account of the hermeneutic circle,[4] and although the criticisms considered below[5] are not directly addressed to Taylor, if relativism is to be offered as a serious objection to his approach then similar arguments must be brought to bear upon his philosophical anthropology. That they have *not* been so advanced suggests that Taylor's critics are either content to mount their objections at a superficial but unsuccessful level, or are unaware of the methodological complexity (as opposed to the appearance) of hermeneutic

[2] Described by Gadamer, *Truth and Method*, 258, as 'the hermeneutical rule that we must understand the whole in terms of the detail and the detail in terms of the whole.' This principle stems from ancient rhetoric, and modern hermeneutics has taken it and applied it to the art of understanding.' In another influential formulation, Hegel viewed philosophy, 'the science of reason', as 'a circle of totality containing itself within itself, but the philosophical idea is also within each particular determinacy or element...[t]he whole presents itself then as a circle of circles.' G.W.F. Hegel, *Encyclopaedia of the Philosophical Sciences in Outline*, 1st. (1817) edition, ed. Ernst Behler (New York, Continuum, 1990), 61 (#6).

[3] In this vein Ronald Dworkin's criticism of Michael Walzer, that 'We cannot leave justice to convention and anecdote' might well have been directed at Taylor. Dworkin, *A Matter of Principle*, (Oxford, Oxford University Press, 1986), 220, might also have been advanced against Taylor.

[4] Heidegger, *Being and Time*, 192, 'In every understanding of the world, existence is understood with it, and vice versa. All interpretation, moreover, operates in the fore-structure...Any interpretation which is to contribute understanding, must already have understood what is to be interpreted.'

[5] Following the analysis of Stanley Rosen, 'Squaring the Hermeneutical Circle', *Review of Metaphysics* 44 (1991), 707-28, which is developed primarily against Heidegger, but involves a general argument against *theories* (including those of Plato and Kant) which precede or determine *practices* of interpretation.

approaches. More charitably, it is plausible that commentators are concerned with the minutiae of their own arguments rather than those of others. Whatever the case may be, the conclusive repudiation or demonstration of relativism within Taylor's work is to be found in the evaluation of its vulnerability to Stanley Rosen's critique.

Rosen's analysis proceeds by exposing and then interrogating the 'depth structure' of the hermeneutic circle. It begins with an observation: that because hermeneutics precedes, and hence is a condition of the possibility of, any particular act of interpretation,[6] the 'preunderstanding' or 'fore-structure' invoked must contain or comprise an explanation of why that is the case; i.e. it must include an account of its own universality. That being the case the second phase of the argument (upon which the discussion here concentrates) examines the scope and plausibility of this proclaimed universality, because as an aspect or component of any interpretation, hermeneutic preunderstanding must be expected to be rather different in form and status to the cognitive awareness ordinarily associated with the verb 'understand'.

Heidegger's development of the hermeneutic circle reveals in detail the extent to which philosophical explanations of interpretive universality are liable to fall into error by attempting to address phenomena beyond their range. For Heidegger the theory of interpretation is more than mere philosophical method; interpretation constitutes and characterises our 'access to' and mode of 'being in' the world. The structure of hermeneutic preunderstanding is attributed to a more fundamental universal, specifically 'Being and the structure of Being [which] lie beyond every entity and every possible character which an entity may possess.'[7] Interpretation undertaken by human agents is thus made possible by the always concealed presence of 'Being', and as well as accounting for and explaining ordinary reflective processes, philosophical hermeneutics depends upon and concerns itself with 'Being' and in so doing purports to derive from existence *as such*.

In so doing (as interpretation) it must provide an account of the conditions of its own existence, that is of 'Being' as revealed by interpretation. This is accomplished by the transcendental shift (to that which 'lies beyond') inaugurated in the above quotation. Because 'Being' underlies (is concealed within) every entity, the preunderstanding which

6 A vivid, if perhaps slightly crass, example of theory dependency taken to excess is offered by Tom Wolfe, *The Painted Word* (London, Bantam, 1976), 4-5. Wolfe cites a 1974 exhibition review: '...given the nature of our intellectual commerce with works of art, to lack a persuasive theory is to lack something crucial – the means by which our experience of individual works is joined to our understanding of the values they signify', and responds to it as '...the words in passing that give the game away...What I saw before me was the critic-in-chief of *The New York Times* saying...frankly, these days, without a theory to go with it, I can't see a painting. Then and there...the buried life of contemporary art was revealed to me for the first time.'

7 Heidegger, *Being and Time*, 62. What understanding I possess of this passage is derived from David Couzens Hoy, *The Critical Circle* (Berkeley, University of California Press, 1978), viii ff.

makes interpretation possible necessarily has 'Being' as its structure, and what is decisive to the act of understanding is 'not to get out of the circle but to come into it in the right way...In the circle is hidden a positive possibility of the most *primordial kind of knowing*.'[8] This 'knowing' is not understanding in itself, but concerns the postulated originary source underlying *all* temporally and historically situated acts of understanding. The elements of human experience (agency in all of its forms) so 'receive their form, nature, sense or being from the world-constituting activity of the structure...of agency...secreted by *Dasein*.'[9]

The modest interpretive claim that an appreciation of or insight into the whole (a language or context) is required for the interpretation of the particular (text or practice) is expanded in a form where the circle is, in Rosen's terminology, 'bloated and transformed.'[10] In attempting to address the question of Being - whatever that might actually be[11] - from within the circle, Heidegger's interpretive method not only explains the relation of part and whole, but identifies the latter 'as part of a world that draws its structural significance from a transcendental or ontological source.'[12] This transformation bifurcates hermeneutics into empirical and transcendental parts, and instead of explaining the circle doubles its complexity.

The significance of this expansion of the circle is profound. If preunderstanding is held to be derivative of a concealed, primordial knowing, then it follows that 'the world in which we currently live has been constituted as a historically contingent world.'[13] Interpretation (of anything) is made possible by preunderstandings, but these are temporary; preceded by and to be succeeded by alternate conceptions which are similarly derivative. We can only articulate our own (world-constituting) preunderstandings in relation to other transient descriptions which, Rosen argues, 'leads to disaster...the circle has been replaced by an infinite regression.'[14] Any attempt to offer an account of the circle (rather than merely invoke its image) by e.g. specifying the content of preunderstanding, collapses into descriptive relativism. Compounded by the indeterminacy and multiplicity of language and linguistic practices, this derivative status renders all claims to meaning and knowledge parasitic upon perspectives which are

8 Heidegger, *Being and Time*, 195, emphasis added.

9 Rosen, 'Squaring the Hermeneutical Circle', 708-9.

10 Rosen, 'Squaring the Hermeneutical Circle', 709.

11 See George Steiner, *Heidegger*, 2nd. ed. (London, Fontana Press, 1992), 35 ff. It is not clear precisely what the problem of predication, how things come to 'be', in their 'isness', is; or whether it is 'problematic' at all for those able to resist the 'metaphysical itch'.

12 Rosen, 'Squaring the Hermeneutical Circle', 709.

13 Rosen, 'Squaring the Hermeneutical Circle', 712.

14 Rosen, 'Squaring the Hermeneutical Circle', 713.

temporally limited and undermined in advance even of their formulation.[15] The memorable consequence of this is that '[t]he transcendental ego, having first been diluted into ontological historicity, is now stalking the hermeneutical boulevards in the persona of *differance*.'[16]

The predication of the structure of preunderstanding upon a transcendental concept therefore does introduce relativism into one influential formulation of the hermeneutic circle, albeit at some remove from the unsuccessful charge discussed earlier. This problem also covertly entered the discussion of language in section five above, underlying the anti-humanist idea that it is the power of meaning (conceived as an analogy of the transcendental concept) that is made manifest in language, rather than particular meanings.[17] If human agency, experience and meaning are attributed to an ineffable source then the painstaking phenomenology of situation, engagement, and interpretation collapses towards a rather facile idealism. Although by no means clearly stated, this collapse is at least implied by the subordination of conceptual and empirical preunderstanding to a undefined and undefinable transcendental predicate ('Being'). Rosen's critique so reveals a third and more fundamental philosophical danger faced by hermeneutics, in addition to the excesses of anti-humanism and subjectivism discussed earlier.

Heidegger's *ontological hermeneutics*, insofar as it concerns the 'truth of Being' and the relation obtaining between human being and that postulated truth, rests on an unsustainable model of transcendental reasoning which is absent from Taylor's *reflexive hermeneutics*.[18] An adequate response to Rosen's analysis must however examine Taylor's work in search of formulations which indicate the unacknowledged presence of transcendental or ontological entities. The identification of such sources would in turn ask significant and possibly fatal questions of Taylor's project.

Difficulties raised by the 'doubling' of the circle are, in the first instance, easily countered by the simple expedient of not making the transcendental move to begin with. There is no need to resort to such explanatory strategies because the linguistic model of interpretation outlined in chapter four comprehends and relates processes of

15 This is perhaps the principal philosophical underpinning of post-modern metaphysics (the idea e.g. that there is nothing outside the 'text', that everything is a 'text', and that the meaning of the 'text' is arbitrary)

16 Rosen, 'Squaring the Hermeneutical Circle', 713. Rosen's dense argument is accompanied by a rather overblown stylistic manner. At 719, for example, he notes that 'Not all of Plato's accounts of perception are composed in a Derridean key.'

17 In this sense meaning, insofar as it is derived from the 'primordial knowing' mentioned earlier, might be equated with the disclosure or unconcealment of the truth of being. The idea of truth as un-concealment of the thing in itself is essayed by Ernst Tugendhat, 'Heidegger's Idea of Truth', in Chrisopher Macann (ed.), *Critical Heidegger* (London, Routledge, 1996), 227240.

18 The distinction here between 'ontological' and 'reflexive' methodologies here is largely a matter of convenience. It should perhaps be noted that Taylor does not use the label 'reflexive hermeneutics'

interpretation intelligibly to the interdependent contexts within which they occur, an elementary but often overlooked observation that undermines hasty and unnecessary formulations of relativism. Despite their complexity, the meanings and understandings constituted in the reproduction of social practices and forms of life are not obviously transient, derivative or in any other way reliant upon a transcendent notion of 'Being' in the manner implied by Heidegger.

Taking account of Rosen's analysis, reflexive hermeneutics must acknowledge its explanatory limitations and resist the temptation to claim derivation from or access to modes of meaning and understanding beyond the limits of its constitutive vocabularies and practices. Taylor's project is positioned at this level and is devoid of ontological truth–claims. He does, however, insist on the 'transcendental' condition...of our having a grasp on our own language' in the sense that 'the fundamental dependence of our thought on language'[19] makes such a relation a necessary but insufficient condition of successful thought, communication, deliberation, etc. In these passages Taylor carefully places quotation marks around the suspect adjective ('transcendental') which qualifies and moderates the consequences of that claim. This underlabouring explanation simply points to an unarguable or essential aspect of human experience (e.g. our physical embodiment in the world, and linguistic interpretation of that embodiment) and argues that the ubiquity of such features demonstrates their relation of necessity to experience. This scheme explains and justifies the constitutive status of (in the above example) language for human experience, but makes no stronger claim.[20] Most notably it does not establish metaphysical claims for any particular set of external or antecedent concepts[21] which are held to somehow structure human experience in either a necessary or 'world–constituting' manner.

The rejection of transcendental predication means that the problem of philosophical grounding which appears to have motivated Heidegger's 'bloating' of the circle is not addressed on the grounds that it is irrelevant to the theory of interpretation. For foundational philosophy in either an Anglo–American (Cartesian, Archimedean) or Continental (phenomenological, Heideggerian) mode this denial – of *res cogitans* or 'Being' – makes certitude or 'unconcealment' unattainable, and in turn indicates methodological error or, at best, incompleteness. From this standpoint Taylor's reflexive hermeneutic discusses the interpretation of experience and agency, but does not offer the

19 Taylor, *Sources of the Self*, 38. Note that this claim concerns the expressive account of language and self–interpretation and is not directed to debates about the language function amongst critical theorists and would be neuroscientists.

20 This model of what I have labelled 'weak transcendentalism' is most clearly stated in Taylor, 'The Validity of Transcendental Arguments', 156-7.

21 e.g. Kant's categories, or Heidegger's existentials ('gifts of Being'). See Rosen, 'Squaring the Hermeneutical Circle', 712, 715.

requisite account of the determining ground of interpretation as reflexive activity. The avoidance of transcendental error so raises different questions, two of which are of particular relevance here. The first concerns whether unacknowledged assumptions of a strong rather than weak transcendental sense *are* in fact present within Taylor's methodology, which must be entirely purged of claims to 'ontological truth.' Secondly, in the absence of otherworldly dependencies, reflexive hermeneutics must explain and justify the privileged status accorded to interpretation as activity *in its own terms*. The ubiquity of language to human thought and understanding, etc., does not in itself validate the claim that all language use is actively reflexive to the extent demanded by 'strong evaluation'. The questioning of the hermeneutic circle thus opens up a wider issue, concerning the justification of Taylor's project as a whole.

If there is a predicating structure underlying the activity of interpretation then it is unavailable to language and must be presumed likely to remain so. Taylor acknowledges the possibility that 'a deeper level explanation of the functioning of human beings might be based on quite other principles,' but adds that 'it is clear that there are certain ontological questions which lie beyond the scope of transcendental arguments.'[22] The theory of interpretation is therefore well advised to pursue more modest aims. Rather than offering a conclusive account of *the* way of human existence or being-in-the-world, reflexive hermeneutics attempts to theoretically comprehend, through the study of their linguistic and phenomenological aspects, the processes and media of cognition and reflection which are accessible to human self-consciousness.

The historical analysis of conceptions of human value, and the articulation of values as they relate to understandings of identity (both general and particular) necessarily involves the consideration of transcendental and ontological ideas which are entirely relevant to the interpretation and explanation of those identities, vocabularies and forms of life to which they bear a constitutive relation. They are not however integral to philosophical anthropology as such. That a particular identity is indivisible from the search for God, Being, Spirit, etc., does not make that postulated concept or category a part of the methodology through which it is formulated, and neither supports nor undermines the identity concerned. This distinction – between the interpretive approach and the material which actually gets interpreted – becomes particularly important in the closing sections of *Sources of the Self*, where ruminations about the epiphanic uncovering of meaning and the potential exhibited by religion as a 'moral source' dominate Taylor's rather unfocused discussion of the 'conflicts of modernity'.[23]

[22] Taylor, 'The Validity of Transcendental Arguments', 158.

[23] i.e. between conflicting higher order goods, instrumental and expressive conceptions of action, and conflicting moral understandings. Taylor, *Sources of the Self*, 390. An awareness of Heidegger is present throughout Taylor's writings (e.g. *Hegel*, 475, 570n; *Philosophical Papers I*, 239,269-70). This interest has been more marked in later writings in a manner which is not always helpful. Taylor's discussion of aesthetics in

Taylor's comments on religion and aesthetics need to be qualified, related and distinguished from the anthropological project which is at issue in this essay. *Sources of the Self* is a book of (at least) three parts: a synoptic critique of modern analytical philosophy and outline of the relation obtaining between subjectivity, identity and the good; an extended historical discussion of formulations of self and goods which Taylor views as particularly important to contemporary ideas of identity; and thirdly, the diagnosis and discussion of the 'modern moral predicament.'[24] In Taylor's own estimation this third section contains 'affirmations or hints of affirmations which go beyond what I made any systematic attempt to argue for,'[25] which in exceeding argument speculate on the 'hunch that there is a scale of affirmation of humanity of humanity by God which cannot be matched by humans rejecting God.'[26]

The decision to play out his hunches in this manner does create interpretive difficulties, and it is by no means accidental that Taylor's subsequent publications[27] have not pursued this intimated agenda with any great tenacity. Any *methodological* turn towards theology, epiphany or anything of a comparably dubious ontological provenance involves a departure from, and perhaps even repudiation of, the anthropology of human self–interpretation. The intrusion of god upon the proceedings in the closing sections of *Sources of the Self* does not however signal a deeper presence or philosophical dependence. In what can perhaps be best explained as a strategic error, Taylor's personal response to

Sources of the Self, for example, treats the expressivist poetry of Hölderin (Ch. 21) and the 'epiphanic modernism' of Rilke and T.S. Eliot (Ch. 24) as vehicles of disclosure of transcendental meaning: '[t]he epiphanic is genuinely mysterious, and it possibly contains the key -or a key- to what it is to be human' (481). Similarly, Taylor notes elsewhere that authentic expression might 'follow from a direction in being' (Taylor, 'Connolly, Foucault and Truth', *Political Theory* 13 (1985), 385).

These remarks recall Heidegger's baffling invocation of the 'saving power' of poetry in a nihilistic world lost to the 'forgetting of Being' (e.g. Heidegger, *Basic Writings*, ed. David Farrell Krell (New York, Harper and Row, 1977), Ch. 8. Even within the context of a discussion of literature which I am not competent to judge, these comments seem hasty and of questionable relevance to Taylor's conception of the self or , more generally, to 'the modern identity'. Rilke's celestial imagery discloses nothing more than his own overwrought sentiments in verse form. Although undoubtedly an influence over some areas of culture and literary studies, the importance of poets such as Rilke is unduly emphasised by Taylor here. The aesthetic speculations of *Sources of the Self*, which very indirectly intimate the possibility of a recovery of human meaning through artistic experience, manifest Heideggerian themes in a manner absent from, and arguably in tension with, the earlier 'civic humanist' works of philosophical anthropology which defined the trajectory which for the most part Taylor's though has followed. Although the analysis of being-in-the-world of *Being and Time* is of cardinal philosophical importance to modern hermeneutics, it is the ideas it introduces – such as the notion of engaged agency discussed in chapter four – rather than the relentlessly opaque and prolix manner of their accomplishment which is significant.

[24] The division of the text is quite clear. The philosophical discussion occupies Part 1 (pp. 3-107), and is followed by a potted history of philosophy which extends to p. 390. The remainder of the book (Part 5) is devoted to the problems and possibilities of modernism, and is (by far) the least satisfying aspect of the work.

[25] Taylor, 'Reply to Commentators', *Philosophy and Phenomenological Research* LIV (1994), 203.

[26] Taylor, 'Reply and Rearticulation,' in Tully, *Philosophy in an Age of Pluralism*, 226.

[27] i.e. other than contributions to journals, symposia, and other collections. Taylor, *The Ethics of Authenticity* (Cambridge, MA, Harvard University Press, 1991); *Multiculturalism and the Politics of Recognition*, expanded edition, ed. Amy Gutmann (Princeton, N.J., Princeton University Press, 1994).

modernity as a practising Roman Catholic receives articulation here with inadequate textual preparation – there is no explicit acknowledgement in the text of the movement from historical and philosophical interpretation to the realm of personal hunches – and with insufficient argument and engagement with opposing views.[28] The discussion here is not concerned with Taylor's religious viewpoint, nor in a direct manner with global diagnoses of modernity as a condition or philosophical problem. It has ascertained the independence of reflexive hermeneutics as developed by Taylor from the problems and excesses to which ontological formulations of interpretive theory have been prone, and has established that methodology as a viable alternative to the thin conception of the self presented by Rawls. Criticisms that Taylor's writings are 'excessively grounded in the contingencies of one individual sensibility'[29] may be relevant to discussions concerning the speculative conclusions of *Sources of the Self*, but have no impact upon the historical and methodological inquiries which dominate his work.

Defusing the foundational challenge by denying the coherence of the search for opaque philosophical resources does not lessen the significance of interpretation, and the absence of 'grounding arguments' makes neither the status claimed for hermeneutics arbitrary nor the circle viciously self-referential. Indeed, the very opposite is the case. Rather than denying the actuality of the world by predicating it upon entities beyond the bounds of experience, reflexive hermeneutics accepts the 'givenness' of human engagement as the starting point of our interpretation, with others, of both self and world. Nothing underlies or constitutes the determining ground of interpretation, because nothing needs to or intelligibly can perform that task. As Rosen argues, 'it is the living act of intelligence that proceeds the identification and application of canons and laws, not some ontological configuration of canons, laws, concepts or rules.'[30]

That we can understand ourselves, each other and the world, however imperfectly or ambiguously, is an achievement which does not require (and is not susceptible to) any further explanation. Philosophical anthropology does not seek to predict or determine the outcome of interpretive agency, but offers an approach towards language and subjectivity which clarifies and refines our understanding of reflexivity, evaluation and interpretation. Insofar as the theory helps us to enter into these activities with greater awareness, questions surrounding the character of the hermeneutical circle are answered (insofar as answers are available) in everyday practices of understanding, deliberation, and

28 An omission remedied in Taylor's exchanges with Quentin Skinner and others, as discussed with regard to the question of pluralism in Ch. 4 § 2 above.

29 John Dunn, *Interpreting Political Responsibility* (Cambridge, Polity Press, 1990), 187. This rather odd locution implies a separation of philosophy and personality which is certainly not a constant feature of Dunn's own work. See e.g. Dunn, *Western Political Theory in the Face of the Future*, 2nd. ed. (Cambridge, Cambridge University Press, 1993).

30 Rosen, 'Squaring the Hermeneutical Circle', 724.

intersubjectivity. The idea that these practices are in need of transcendental or 'ontological' support emerges from the analysis as part of the unnecessary and mistaken but nevertheless recurring search for a foundational philosophy.

[2] Interpretation and Justification

The repudiation of the foundational enterprise reintroduces the question of justification. As with Rawls, for Taylor this is an especially difficult issue. Justification is typically integral to a theory, and as such inseparable from that which is being contested. A philosophical position justifies itself by eliciting agreement with its principal theses, and although additional justificatory arguments might confirm and sustain that agreement they are unlikely to generate it. The preceding discussion has established the formal coherence of reflexive hermeneutics whilst negotiating some of the central difficulties faced by interpretive methodology. This process refutes possible criticisms concerning, for example, possible contradictions, relativism and determinism but does not – and cannot – conclusively vindicate Taylor's philosophy approach or the various conceptions (e.g. of self, language and agency) that it supports.

The phenomenological and weak transcendental explanations advanced by Taylor are not in themselves capable of constituting 'proof' of his interpretive framework.[31] Claims concerning the structure of evaluative frameworks, the relationships between self and good, and the role of language as a medium of deliberation and expression must rather demonstrate their adequacy in the areas which they contest. The first of these tasks is attained with some ease. The failure of the thin theory of the good, and Rawls's covert reliance upon a stronger conception within *Theory*, is part of a wider interpretation which shows the politics of neutral concern or rational choice to be entirely parasitic upon higher order conceptions of the good. More generally the historical analysis of *Sources of the Self* concerns the transformation and suppression of higher order goods, illustrating, for example, the tensions in the attempt of eighteenth century utilitarianism to maintain theist and, latterly, deist[32] conceptions of universal benevolence and impartiality whilst attempting to denature those ideas by explaining them in terms of

31 As argued by Melissa Lane, 'God or Orienteering? A Critical Study of Taylor's Sources of the Self' *Ratio* (new series) 1 (1992) 46-56. The relevant analysis occurs on 48-52, but unfortunately Lane's conclusion 'if we do not have God, we are hostage to the fortunes of moral orienteering' (52) rests on an overly formal reading of *Sources of the Self* such that any incongruity between historical articulations of the good and philosophical theories of the standards established by historical is deemed sufficient to invalidate both the claim of structure and the role of the good on Taylor's theory. This critique proceeds from the mistaken claim that 'Taylor fashions a theory requiring God, or something very like God, to be complete' (48) In addition Lane's concise analysis does not clearly distinguish methodological, analytical and historical aspects of the text, or relate it to the anthropological project as developed in Taylor's other writings.

32 Deism involves a belief in the existence of God but not in a revealed religion. Followers instead ground their faith in the experience in nature of a providential order upon the earth.

utility function.[33] Taylor's critique of the 'pragmatic contradiction'[34] within modern philosophy is in turn supported by and complementary to this analysis. Alternative historical accounts and philosophical analyses are of course available.[35] The contest of such interpretations is bound up with the hermeneutic process, but falls outside the range of the present discussion. The examples noted above do however offer compelling evidence of the explanatory sufficiency of Taylor's approach, which supports a plausible account of the moral goods which underlie the most materialist of modern philosophies.

Theories of value and philosophical perspectives inform and partly constitute identity and evaluation, but given the contingencies of situation and personality cannot do so in a complete or predictable manner. That a person identifies himself as a socialist, deontologist, Christian or atheist says *something* about his identity, but is only part of a complete articulation. Concerns about how goods shape understandings in particular cases and of how it can be demonstrated that the self – good relationship expounded by Taylor really holds in an inescapable manner obviously arise with the question of justification.

Melissa Lane suggests that Taylor's argument is 'helpless before reductionism', despite being framed in part as a response to it. Confronted by the argument that 'morality is in fact explicable as the inescapability of a will to power'[36] she avers that Taylor's response – that such a view would be demonstrably incorrect in defining 'as normal or possible a human life which we would find incomprehensible and pathological'[37] – amounts to an admission of the explanatory paucity of interpretive theory. This might be the case were Lane to offer an *actual* rather than *hypothetical* example of the 'reductivist' before whom Taylor's methodology is 'helpless.' As the example cited is that of the will to power, Nietzsche might reasonably be expected to fulfil this role; but it was his thought and not his actions that repudiated morality as an institution, and it would be an innovative exercise in abstraction to argue that Nietzsche's

33 Taylor, *Sources of the Self*, 321 ff. In an argument directed primarily at the French encyclopaedists, but also at Bentham, Taylor argues that (339) , '[c]lassical utilitarianism lives off moral insights which are widespread in the culture, but which it itself has given no justified place to'. The point here is that utilitarianism enjoins the values of the preceding dominant social goods – to minimise suffering, maximise welfare, etc. – but cannot tell us in qualitative terms *why it matters* to act in such a way. Even Lane, 'God or Orienteering', 47 n4, acknowledges the strength of this interpretive critique.

34 Taylor, *Sources of the Self*, 88; see Ch. 4 §2 above.

35 Michael Rosen, 'Must We Return to Moral Realism?', *Inquiry* 34 (1991) cites Hans Blumenberg's *The Legitimacy of the Modern Age* (Cambridge, MA., MIT Press, 1983) as an example of such a competing account. As noted in chapter one, it is not my intention to offer or support any particular analysis or diagnosis of 'modernity' as either chronological era or a philosophical problem.

36 Lane, 'God or Orienteering', 47.

37 Taylor, *Sources of the Self*, 32.

identity was not intricately linked (in a reactive manner) to constitutive goods, a relation which was exposed in a unique act of self-interpretation and articulation, *Ecce Homo*.[38]

Nietzsche simply does not offer a good example of identity either independent of morality or outwith the space described by the metaphor of the framework.[39] Similarly, the 'extraordinary nature' of Hare's paradigmatic misanthrope 'the really fanatical Nazi,'[40] however repugnant and seemingly non-moral, remains a potential interlocutor whose position is susceptible to transformation precisely because the ideology of nation, blood and soil can be located as a erroneous development of concepts and values within the context of European history and thought. That this is the case may even be a condition of the reasoned eradication of that cast of mind, and part of an explanation of the recurring character of political forms claiming inspiration from National Socialism in contemporary Europe. As these cases indicate, the value of examples in the rebuttal and justification of theories is uncertain. Although such figures can support or undermine a conception or theory, they are not themselves arguments, and it is not obvious that the identification of a counterexample could meaningfully undermine Taylor's hermeneutic, unless perhaps the personality-type described thoroughly confuted Taylor's position *and* furnished a decisively preferable alternative. These limitations notwithstanding, the failure of Lane's hypothetical challenge does at least suggest that Taylor's position is philosophically robust.

The failure of these objections is not insignificant, but leaves open the question of how reflexive hermeneutics relates to the less dramatic passage of everyday life.[41] The examples of strong evaluation in Taylor's works are sparse: a glutton seeks to overcome a passion for cream cakes after reflection leads him to 'yearn to be free of this addiction, to

38 Friedrich Nietzsche, *Ecce Homo*, trans. R.J. Hollingdale (London, Penguin, 1992). For a persuasive interpretation suggesting that Nietzsche's personality was articulated in his works and is inseparable from them see Alexander Nehemas, *Nietzsche: Life as Literature* (Cambridge, MA., Harvard University Press, 1985). It is also worth noting that the overman like Zarathustra was and is imaginary. Nietzsche may have been able to imagine a transvaluation of values, but was unable to enact that vision, and *contra* Lane, hypothetical counter examples are not the stuff of practical refutations.

39 Taylor suggests at *Sources of the Self*, 71 that modern followers of Nietzsche are overtly committed higher order goods, but notes that the hall of mirrors described by post-modern metaphysics 'doesn't reduce the perplexity and uncertainty we feel here.'

40 Who would respond to evidence of his own Jewish ancestry by forfeiting the lives of himself and his family. R.M. Hare, *Freedom and Reason*, (Oxford, Clarendon Press, 1965), Ch. 9. Hare's point here is to make logical doctrines (the fanatic's request is not contradictory) distinct from (universalisable) moral judgements. Although he believes that if the Nazi were able to adopt a impartial standpoint he would find identify with Jews and overcome his anti-semitism, Hare does not offer an argument against the Nazi's position, but in this instance points (172) to 'the fortunate contingent fact that people who would take this logically possible view...are extremely rare.' See also Bernard Williams, *Ethics and the Limits of Philosophy*, 80-86.

41 But not less significant. That the narrative of everyday activity is not characterised by the visceral conflict of extreme or radical interpretive positions does not alter the relevance of everyday, less sensational events to subjectivity. The 'affirmation of ordinary life' in those practices and social relations articulating our response to the moral axes (Ch. 4 § 4) of respect, value, and dignity is presented as a central aspect of the culture of modernity in *Sources of the Self*, 14-16, 70 f.

be the kind of person whose mere bodily appetites respond to his higher aspirations';[42] similarly a smoker might experience his addiction as a 'fetter' and come to realise a personal gain in overcoming his tobacco fixation.[43] Such cases exemplify the release of the self from a 'desire that is not truly mine'[44] towards a more authentic articulation of identity,[45] but, as noted earlier, are not explicitly political in content.[46]

The depiction of these personal achievements using a qualitative vocabulary of dignity and self command clarifies the distinction between strong evaluation and the flattened language of instrumental rationality, but leaves something of a message gap. It suggests that the adoption of a substantive disposition towards evaluative decision-making would enhance and clarify our lives both as individuals and collectively, but the character of the accomplishment is largely implicit. This is bound up with a wider disciplinary difficulty: that to pursue particular instances in detail risks turning philosophy and the philosophy of psychology into anecdote and case study respectively.[47] The practice of abstraction and generalisation precludes this eventuality and does afford a measure of justification, but as with Lane and Hare, Taylor's examples do not allow a complete or fully compelling validation. These difficulties are relevant throughout political philosophy, where the temptation to retreat into generality – a good example being Rawls's treatment of 'goodness as rationality',[48] complete with that exemplary personality, the hypothetical grass counter – is a strong one.[49]

Taylor's alternative approach to justification seeks to integrate the hermeneutical method of the anthropological project with the reflexive experience of the situated subject in order that the approach is seen to yield the 'Best Account' available to the self of his own identity.[50] Hermeneutics attains verification here as the most satisfactory methodology available rather than in absolute terms. Self-interpretation addresses the

[42] Taylor, *Philosophical Papers I*, 22. The same example occurs in Taylor, 'Responsibility for Self', in A.O. Rorty (ed.) *The Identities of Persons* (Berkeley and Los Angeles, University of California Press, 1976), 286.

[43] Taylor, *Philosophical Papers II*, 224.

[44] Taylor, *Philosophical Papers II*, 224.

[45] For example, liberated from the need to satisfy his nicotine addiction, the ex-smoker is better able to pursue, and possibly has a surer understanding of, himself and his constitutive commitments and objectives which are no longer obscured by a cloud of smoke.

[46] Ch. 4 § 4 above.

[47] This problem is far from being unique to Taylor. Sandel, *Liberalism and the Limits...*, 181, offers a similarly vague example of deliberation, 'Uncertain which path to take, I consult a friend who knows me well, and together we deliberate, offering and assessing by turns competing descriptions of the person I am , and of the alternatives I face as they bear on my identity.' Frankfurt's paper 'Freedom of Will and the Concept of the Person' discusses the implications of second-order desires using the example of a drug addict in a manner not dissimilar from Taylor's examples of gluttony and nicotine addiction.

[48] Rawls, Theory, .

[49] Rawls, Theory, Ch. 7;432-3; Ch. 2 §3 above.

[50] Taylor, *Sources of the Self*, 58 f., 72, '...our moral ontology springs from the best account of the human domain we can arrive at...this account must be in anthropocentric terms, terms which relate to the meanings things have for us.'

psychological need for understanding of ourselves, our relations with others, and our place within the world. The Best Account looks upon this endeavour as a complex social process where 'my community, my history, exceptional [i.e. role] models and my own reflection have combined to offer me a language in which I make sense of it all.'[51] The terms of this account and the personal significances associated with them invoke concrete goods, values and the reality of lived experience in advance of abstract principles and procedures of reason.[52] Such an account is neither transparently obvious nor easily attained (being a process of unpredictable complexity), but does suggest that questions of self-knowledge and moral evaluation receive a less erroneous treatment when couched in hermeneutic terms rather than e.g. utilitarian, deontological or behaviourist ones.

This being the case reflexive hermeneutics clearly emerges as the most appropriate approach to the question of identity, and hence of the relation between identity and constitutive goods, the status accorded to which is such that Taylor's account is directed (perhaps especially) towards those who would might reject even the terms of its formulation.[53] A model example (unfortunately but typically hypothetical) imagines a sceptic engaging with reflexive hermeneutics only to discover that the terms of his moral vocabulary *do* privilege a set of moral goods in a constitutive manner, and accepting the superiority of that interpretation of his identity over a utilitarian one. This ideal is unfortunately optimistic rather than exemplary. Because justification is integral to a theory the success of hermeneutical practice depends at least in part upon the good will of the participants, i.e. on their acceptance, at a minimum, of the explanatory potential afforded by interpretive methodology. Philosophical debates are however riven by dogmatism. One leading 'naturalist' for example dismissed Taylor's philosophical critique out of hand, misinterpreting it as a suggestion that *all* analytical and empirical theorists

51 Taylor, 'Reply and re-articulation', 227.

52 Bernard Williams offers a helpful illustration of the priority of the concrete over the abstract in his comments on the following 'problem'. A hypothetical man comes upon two drowning persons under conditions where it is only possible for him to save one of them. One drowning person is a stranger, the other is his wife. We are to presume that the couple are on good terms. How is the rescuer to decide which of the two to save? After considering predictable analytical fallacies (e.g. the rescuer should flip a coin) Williams addresses the suggestion that the 'principle of mutual love' represented by the marriage bond – which recalls Rawls's discussion of the morality of association – might motivate and justify the rescuer's preference of his partner over the stranger, with the comment that such an explanation 'provides the agent with one thought too many: it might have been hoped by some (for instance, by his wife) that his motivating thought, fully spelled out, would be that it was his wife, not that it was his wife and that in situations of this kind it is permissible to save one's wife.' Bernard Williams, 'Persons, Character and Morality', 213-215.

53 Taylor does not use the controversial terminology of unconsciousness, but such a claim is I think implicit in the suggestion that 'Plenty of people swear by Foucault or Derrida who are plainly operating in their moral or political lives out of a sense that all human beings are equally worthy of respect...they are responding to the suggestion that relations of domination and inequality are more subtle and pervasive...[b]ut their goals are indistinguishable from the many generations who preceded them in the 'humanist' Left.' Taylor, 'Reply and re-articulation', 232.

were 'victim to myths of monadic metaphysical egos.'[54] Such responses frustrate the possibility of open deliberation which is a prerequisite of successful interpretive practice. The resources available to theory in the issue of justification are ultimately inadequate to the questions posed, and in consequence the prospect of conclusive vindication recedes. The theoretical viability and explanatory plausibility of reflexive hermeneutics is established, albeit within these unavoidable limiting conditions, in the course of Taylor's philosophical and historical writings.

An overall assessment of Rawls and Taylor on justification shows Taylor's situated approach to be coherent and consistent where Rawls's procedural concatenation of ill matched conceptions is not. Neither Justice as Fairness nor reflexive hermeneutics provide really convincing particular examples in support of their arguments, but this absence is to be expected (if not excused) in philosophical argument. Taylor's historical discussions, and the instances which do arise in their course, nevertheless afford a measure of substantiation which is not matched by Rawls's arid and rather basic discussions of morality and psychology. The generality of Taylor's strategy and the congruence which it seeks to establish between self-understanding and the theory of interpretation does however invite the comparison of the Best Account principle with Rawls's notion of reflective equilibrium.

The superficial similarity of ambition exhibited here should not be mistaken for a more thorough identity of means. Setting aside the minutiae of Rawls's contractual/constructivist apparatus, Taylor's interpretive stance is not hamstrung by the abstraction and irrealism of the original position.[55] Rawls invites us to imagine a recursive movement of thought from presumed but unexamined fixed points of intuitive judgement (which are anything but that) through the veil of ignorance, into the bargaining game and back until (if) stability between principle, decision situation and pre-reflective judgement is established. Taylor's hermeneutic does not demand such dramatic shifts, as it locates ostensibly intuitive judgement in social and historical thought and practice, and theorises the significance to identity of values expressed in those

54 Annette Baier, 'Critical Notice of Taylor', 589-594. Baier's objection, that naturalism can be error reducing rather than reductivist, is not entirely irrelevant but is made in a one sided manner which effectively precluded a balanced assessment of Taylor's methodology. Baier's objection that Taylor's analysis paid insufficient attention to canonical figures (particularly Locke) in the history of ideas was subsequently satisfied, at length, by *Sources of the Self*, Part II.

55 The phonetic coincidence of the terms 'reflective equilibrium' and 'reflexive hermeneutics' possibly contributes to the appearance of similarity here. It is noteworthy that the problem of circularity affecting Rawls (see Ch. 2 §2) is distinct from that addressed by Taylor, in that where reflexive hermeneutics is concerned with the dialogical formation of identity in social contexts, Rawls is concerned with an abstract model for the justification of norms procedurally generated using intuition and other prereflective judgements. The inability of reflective equilibrium to examine these provisional fixed points independently from the principles which they support creates a different problem to that associated with the metaphysical dependencies of what I have labelled 'ontological hermeneutics'.

judgements. The methodology is more complex and nuanced than that of Rawls, but is not debilitated by the artificiality of *Theory*. Secondly Rawls, concerned with the determination and justification of a philosophically limited decision situation suitable for the generation of normative principles, and Taylor, concerned with the development of reflexive hermeneutics as a methodology for philosophical anthropology – a more general project of potential relevance across the human sciences – are addressing significantly different problems. That both put forward general explanatory arguments in justification of their views carries no deeper significance.

Despite the pursuit of neutrality and impartiality in *Theory* Rawls eschews truth claims, allowing that because they are supposedly chosen principles of justice are ultimately to be considered provisional.[56] Taylor's avowed realism involves a different claim. As was seen in the examination of Heidegger's 'doubling' of the hermeneutic circle, the importance of the distinction between ontological truth and anthropological interpretation is inestimable. Taylor offers the latter rather than former and his scheme can only be true insofar as it furthers the formulation of the most convincing explanation – the Best Account – of both the philosophy and experience of selfhood. Although these two aspects are complementary, they are not necessarily identical. Taylor's 'weak' transcendental arguments concern the boundary conditions rather than the content of experience, and the claim that interpretive activity is linguistic leaves the vocabularies invoked in practices of interpretation undetermined. Taylor's sometimes awkward metaphors of space, his characterisation of the self-good relationship in terms of frameworks, etc., are open to redescription if a clearer (i.e. error reducing) account becomes available. The fundamental roles accorded to language and to higher order goods are however indubitable. The status of the former has already been established in the course of this discussion, but the nature of the reality claimed for the latter has not, inviting consideration of the character, availability and objectivity of goods for reflexive hermeneutics.

The general problem of what 'really exists' is not obviously a helpful one for political philosophy,[57] and is of no special relevance to this essay.[58] The question of how

56 Rawls, *Theory*, 578, *Political Liberalism*, 127. Rawls's reluctance to seriously question either his principles or methodology suggests, however, that the status of Justice as Fairness is never really placed in doubt, a suspicion supported by Rawls's comment (*Theory*, 578) that 'more likely candidates for necessary moral truths are the conditions imposed on the adoption of principles' – i.e. the mechanisms of the original position.

57 Quine's introductory gloss on the 'ontological problem' being a case in point,. 'A curious thing' he notes, 'is its simplicity. It can be put in three Anglo-Saxon monosyllables: 'What is there?' It can be answered, moreover, in a word – 'Everything'. W.V.O. Quine, 'On what there is', *From a logical point of view*, 2nd. ed. (Cambridge, MA., Harvard University Press, 1964), 1. This formulation nicely contrasts with Heidegger's attempt to formulate the 'question of Being', which perhaps amounts to the same thing.

58 Arguments concerning e.g. the status of mathematical objects, the objectivity of a completed account of physics, or the reality of material objects are inordinately complex and interrelated, but do not obviously

non–material and ostensibly agent–centred concepts, values, signs etc., are to be understood as 'real' is however important. An explanation of realism is required firstly to dispel any lingering suspicions that constitutive goods are nothing more than reified abstractions, subjective projections or accidents of language; and secondly in order to complete the account of deliberation within reflexive hermeneutics. The reality of concepts and meanings within a 'speech community' endows practices of deliberation with a depth which would otherwise be lacking. It allows that debate and evaluation can produce right answers and better interpretations where there might otherwise be undecidable or relativistic conflict between different evaluative positions. External models of explanation are inadmissible on both philosophical and practical grounds, as the anthropological character of Taylor's theory rules out Platonic[59] and intuitionist conceptions of an independent moral order, along with appeals to 'Being' or other unredeemable predicates. These points appear to be compatible with the denial of realism and need to be reconciled with Taylor's commitment to and requirement for an account of the objectivity of moral concepts.

The case for moral realism is bound up with the discussion of the Best Account principle in *Sources of the Self*. The structure of this argument is predictable from that of the wider philosophical critique: practices of evaluation, undertaken in and about situations, people, possibilities, etc., continually affirm the reality of goods in the course of everyday social life.[60] We do not regard values and standards of judgement as mere emotive preference, projections or manifestations of the will to power; they have for us an independence and density of meaning in virtue of which we affirm them as values in the first place. To deny this measure of reality is to oppose theory and experience in such a manner that the former can never adequately account for the latter. In consequence the vocabulary of the Best Account *must* be one of realism.[61] Taylor's argument here is

entail any particular position in ethical theory. A helpful discussion of these distinctions is offered by Hilary Putnam, *The Many Faces of Realism* (La Salle, Ill., Open Court, 1987), 3–21. The suggestion that 'One might be, say, an anti–realist in mathematics but not in respect to statements about material objects' is that of John Passmore, *Recent Philosophers* (La Salle, Ill., Open Court, 1985), 83.

59 Taylor, Sources of the Self, 73, 'the Platonic synthesis...lies irrecoverably shattered'. Even this uncontroversial claim has been challenged by Stephen R.L. Clark, 'Taylor's Waking Dream: No One's Reply', *Inquiry* 34 (1991), 195–215, who bizarrely claims that Taylor's realism is a pale and inadequate shadow of Plato's.

60 Taylor, *Sources of the Self*, 59, 'What you can't help having recourse to in life is real, or as near to reality as you can get a grasp of at present. Your general metaphysical picture of 'values' and their place in 'reality' ought to be based on what you find real in this way. It couldn't conceivably be the basis of an *objection* to its reality'.

61 Taylor, *Sources of the Self*, 257, 'the best account of the worth of things and lives as they are open to us to discern, may be a thoroughly realist one – indeed, that is the view I want to defend, without wanting to make a claim about how things stand for the universe 'in itself'...a realistic view is perfectly compatible with the thesis that the boundaries of the good, as we can grasp it, are set by that space which is opened in the fact that the world is there for us, with all the meanings it has for us.'

tautological – a concept has reality if it is invoked and treated as such[62] – and is advanced in refutation of an anti-realist position which is polemically identified as a characteristic element of anthropological naturalism.

Directed in rather basic terms against emotivism and projectivism rather than within a detailed account of the philosophical status of moral goods, Taylor's comments here do not at first glance contradict more sophisticated models of anti-realism.[63] He and Richard Rorty (amongst other things a prominent anti-realist)[64] can agree for example that 'since truth is a property of sentences...and since vocabularies are made by human beings, so are truths.'[65] Rorty's naive and strangely contextless theory of interpretive recontextualisation[66] regards the choice and transformation of vocabularies as accidental and even arbitrary occurrences. It is at this point that his and Taylor's view diverge in a manner which helpfully occasions clarification of the form of realism at issue.

Rorty's treatment of language as an adaptive, illuminating but ultimately superficial medium draws attention to the interplay of metaphor and rhetorical device by consciously remaining on the surface of language. Conversely, reflexive hermeneutics seeks to explore language in a manner which is edifying without being (necessarily) ironic, and which is attentive to rather than dismissive of constitutive aspects of meaning. Concurrence with the argument that goods and values are produced in discourse rather than discovered in nature does not undermine the status accorded to language by Taylor.

62 This strategy appears coincidentally in the work of William James, whose 'natural realism,' also involves a rejection of overly technical epistemologies. As expounded by the Putnams', 'James's response is to take experience seriously, to say that whatever is experienced is real, and that since we unreflectingly experience a public world, it is indeed a public world in which we live.' Hilary and Ruth Anna Putnam, 'What the spilled beans can spell: The difficult and deep realism of William James', *Times Literary Supplement*, June 21 1996, 14-15. Taylor does not draw upon or require the support of the precedent set by James, but the example is an interesting one which illustrates the presence of broad thematic agreement between approaches which share little else in terms of methodological detail or common points of reference.

63 For example Michael Rosen, 'Must We Return to Moral Realism?', *Inquiry* 34 (1991), 190, suggests that 'Taylor's position [is so close to] non-realism that it seems the dispute between them is merely a verbal one.'

64 James and John Dewey are regularly cited by Rorty, the most vivid, if not the most sophisticated, protagonist in the recent revival of pragmatism. Rorty tends to describe himself as a 'Antirepresentationalist' (e.g. *Radical Philosophy* 60, 40-42) referring back to the position developed in *Philosophy and the Mirror of Nature*, Pt. 1. In expounding and rejecting (p.12) the metaphor 'of the mind as a mirror, [and] the notion of knowledge as accuracy of representation' of reality upon that 'mirror' antirepresentationalism is clearly a form of anti-realism.

65 Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge, Cambridge University Press, 1989), 21. Although Taylor has challenged Rorty's repudiation of a range of distinctions (scheme/content, spirit/nature, literature/science...) this has no bearing upon the discussion here, which concerns similarities rather than differences between the two. See Rorty, 'Taylor on Truth', in Tully, *Philosophy in an Age of Pluralism*, 20-33; Taylor, 'Reply and re-articulation'.

66 For Rorty vocabularies are transient and interchangeable within a poeticised rather than politicised culture of irony, where the instability of meaning inherent in language is exaggerated and practices of freedom and redescription are synonymous. Rorty, *Contingency, Irony and Solidarity*, 60-62, 90-95. See esp. 60: 'an ideal liberal society is one which has no purpose except freedom...to make life easier for poets and revolutionaries.'

The idea that the world is available to agency (with all that entails) in such a way that it is independent from human action, use, and interpretation depends upon a separation of self and world which is bound up with the outmoded epistemological problematic considered in chapter four. This position is rejected rather than refuted by Rorty, whose response to epistemology is in effect to drop the question, not to answer or supplant it.[67] Once it is appreciated that practices of interpretation and agency are inseparable from the contexts which make them intelligible, and that as a part of those activities contexts are also laden with meaning rather than being neutral in some obscure sense, '[t]he very idea of projectivism makes no sense. There is nothing further out there to project *on*.'[68]

Because hermeneutics treats language as a constitutive rather than solely descriptive medium – a part of the world, rather than the means of its representation – the attribution of a realistic status to meanings made manifest within it need not be considered problematic. Engaged agency does not accept as canonical the subject–object dichotomy which is (often imperceptibly) ingrained within patterns of speech and cognition.[69] Liberation from the 'imprisoning assumption' conveyed by this model, 'the picture of the "subject" as the sole possible locus of meaning'[70] makes possible a more nuanced conception of moral objectivity than that permitted by the customary epistemic polarisation. This formulation offers a modest account of moral concepts as mind-independent or supra-individual entities but does not reproduce the philosophical errors discussed earlier.

Insofar as meanings are disclosed in the practices and conversations of speech communities they occur in public space and are (in situations of controversy and dispute as well as consensus) part of a repertory of common meanings. The interpretive formulation, articulation and recognition of identity (of both groups and individuals) are similarly public events. These activities are political, and as such are disputed at both

67 e.g. Rorty, *Objectivity, Relativism and Truth: Philosophical Papers Vol. 1* (Cambridge, Cambridge University Press, 1991),33: '...the traditional Western metaphsico-epistemological way of firming up our habits *simply isn't working anymore*...the pragmatist suggestion that we substitute a "merely" ethical foundation...is put forward on practical grounds. It is not put forward as a corollary of a metaphysical claim...nor of an epistemological claim...nor of a semantical claim.' In using Rorty quite narrowly as an example here I do not intend to offer or imply a properly developed assessment of his work, or of the debates provoked by it. See for example the range of critical responses (including that of Taylor) in Alan Malachowski (ed.) *Reading Rorty* (Oxford, Basil Blackwell, 1990).

68 Taylor, 'Comments and replies', 247. 'Projectivism' here could be replaced by 'anti-realism' without significantly altering the integrity of the phrase.

69 Vincent Descombes, 'Is there an objective spirit?', in Tully, *Philosophy in an Age of Pluralism*, 97, points out the difficulty involved in recovering the concept of objectivity from the 'cumbersome metaphysics' of the epistemological tradition. The convention of treating everything in terms of subject/object oppositions is so firmly entrenched in patterns of though and speech that employment of the term 'objective' constantly courts the possibility of misunderstanding, and the risk of slipping back into the outmoded idiom which hermeneutics aims to overcome. There is however no obviously more suitable term of art available in the present instance.

70 Taylor, 'Reply and re-articulation', 236.

theoretical and practical levels.[71] Goods and values also acquire significance for individuals in personal terms which may be unique, but particular resonances always remain in some measure dependent upon previously established meanings. Furthermore, intersubjective deliberation engages social concepts, contesting how they are to be defined and revised, how they are and ought to be realised in practices and institutions, etc.[72] The concept of public space hence *demands and presupposes* the actuality of the meanings and contexts in which it occurs. This interpretive realism involves moral goods as they are available to participants within social environments, not with the way the ethical world is 'in itself.'[73] Without this implicit presumption, which is relevant to the range of theories incorporating conceptions of publicity, dialogue, deliberation, etc., there would be nothing concrete for deliberation to be *about*.

These goods are, amongst other things, standards of judgement which are continuously iterated in the course of public dialogue, playing a focal role in the activities of speech communities. Because they are socially located and always open to transformation this realism in no way involves aprioristic or universalist ascriptions, and is also more than an exercise in subjective projection or imaginative redescription. 'Ethics,' Taylor claims 'tries to define the shape of the human moral predicament,'[74] addressing in language the questions posed by the presence of the self, with others, in morally significant environments which defy complete understanding. Bearing a depth, persistance and significance consistent with the weight they assume in social practices, evaluative vocabularies are neither contingent nor arbitrary. They are rather both part of and a response to the engaged nature of subjectivity, and to treat them otherwise is to misunderstand language, morality and the relation of both to experience and cognition.[75]

[71] These issues have been deliberately anticipated and deferred throughout this chapter, one purpose of which has been to attempt to render anthropological and advocational issues distinct. Where the two overlap the reader may feel frustrated (or cheated) but to elide the two issues would be to risk confusion and misinterpretation. Chapter six does directly address political dimensions of intersubjectivity, the ambiguity of community, and the problem of common meaning.

[72] This claim may look contradictory, but it is not. In order to dispute or transform a definition or articulation one must first specify and challenge it, and to that extent a common meaning can be seen as simultaneously recognised *and* disputed without contradiction.

[73] A similar argument is advanced by Searle in an analytic vein: 'Whenever we use a language...we commit ourselves to realism. The commitment is not a specific theory as to how the world is, but rather that there is a way the world is...a public language presupposes a public world, and that presupposition is metaphysical realism.' John R. Searle, 'Is there a crisis in American Higher Education,' *The Partisan Review* 60 (1993), 703-4. I take the use of 'metaphysical' here as a weak rather than strong claim. Notwithstanding Searle's appeal to 'public objects of reference' as with William James a measure of thematic agreement with Taylor's position is clearly discernible. Searle's position is formulated in more detail in his *The Construction of Social Reality* (London, Allen Lane, 1995), Ch. 7-8.

[74] Taylor, 'Comments and Replies', 245.

[75] Although related, the terms 'public' and 'social' are not identical: 'public' invokes the whole of a given speech community, discussed earlier as an overlapping series of smaller language-games which are 'social' (i.e. intersubjective) without necessarily being available for recognition and scrutiny in the larger 'public' forum. Similarly 'practices', charitably defined as any complex purposive activity, can be discursive,

Sufficiently clarified to be more than just negative polemic but avoiding dogmatic or doctrinal formulation, this realism coincides with the theorisation of intersubjectivity and engaged agency in order to fully account for the production and status of meanings within deliberative contexts. Their explicit theorisation is important because they shape the languages and practices in which identities and contexts are socially formulated, realised and reproduced. In the absence of such an account the methodological coherence of social concepts in political philosophy is called in to question. Rawls's account of 'public reason', for example, presupposes the presence of the public culture of a democratic society and the meanings it manifests, but does not attend to either the content or character of that context in sufficient detail. Rawls is of course unable to undertake such an examination without further compromising the already uncertain commitments of contractualism and/or constructivism to abstraction, impartiality, deontology, and anti-realism; in consequence 'public reason' is also a casualty of his self-imposed philosophical constraints.

These arguments allow reflexive hermeneutics to intelligibly address the concepts of truth and reality without being drawn into unremitting abstract discussions of correspondence, warrant, reference, etc.,[76] or towards the banal dismissal of truth as 'whatever the upshot of [free and open] encounters turns out to be.'[77] This discussion has established that for reflexive hermeneutics reality is constituted by and available to language, *a* way the world is, rather than *the* way the world is, and it so follows that a measure of truth[78] comprising that reality is available to discourse. It is with regard to this model of realism that interpretations can be more or less accurate, informative and so on. The dynamic between language, reality and truth[79] is such that understanding is never total or transparent, but can be more or less authentic, complete, defensible, etc., with regard to particular meanings, practices, and situations. 'Truth' is in this sense a matter of understanding and articulation rather than representation or correspondence.[80]

i.e. explicitly linguistic and theorised as such, or non-discursive, in which case although potentially open to interpretation, and hence not language-independent, they are typically (as with the pretheoretical understandings briefly surveyed earlier in the discussion) not in need of linguistic theorisation. The relation between understanding and interpretation is considered in more detail below.

76 For example, in his discussion of Davidson and his followers Passmore, *Recent Philosophers*, 64, notes that 'they write in a manner which is often ferociously technical and always formidably abstract, devoid of concrete examples.'

77 Rorty, *Contingency, Irony and Solidarity*, 52. This seems to me a particularly shallow gloss on Wittgenstein's suggestion that the 'the meaning of a word is its use in the language.' *Philosophical Investigations, I*, § 43.

78 Which in the light of the preceding discussion is of course neither a foundational or ontological account of truth and objectivity.

79 Taylor, 'Reply and re-articulation', 222.

80 Michael Martin, 'Taylor on Interpretation and the Sciences of Man', in Michael Martin and Lee C. MacIntyre, *Readings in the Philosophy of Social Science* (Cambridge, MA., MIT Press, 1994) 259-257, shows no awareness of Taylor's realism or its implications. Comments such as 'Taylor rejects appeals to rational argument to decide conflicts in interpretation and instead relies on intuition' (265), and 'he wants social

[3] The Limits of Interpretation

The final objections to receive consideration here are perhaps the most basic. Aimed not just at Taylor, but at the fundamental importance of reflexivity throughout contemporary political philosophy, James Tully advances the forceful claim that:

'...the prevailing custom that the that the only free and rational way of thought and action is one governed by a canonical type of critical reflection...illustrates the irony of our situation: a misunderstanding of the very activity that is supposed to free us from the blind adherence to convention–namely, critical reflection–has itself become conventional.'[81]

Tully develops this position against Taylor in four stages. Firstly, Taylor is 'mistaken' in assigning a 'foundational' role to interpretation, which in fact is neither essential nor inescapable to subjectivity. Secondly, this is the case because Taylor conflates the terms 'understanding' and 'interpretation'. To understand something is to grasp its meaning, to know how to use it in the course of a language game or social practice. This does not necessarily involve interpretation, which connotes activities of examining, questioning, transforming and so on which are unnecessary when meaning has been adequately understood. It follows, thirdly, that interpretation is subordinate to understanding; the very idea of interpretation need not arise if something has been understood correctly. Finally, Tully suggests that as well as confusing 'interpretation' and 'understanding' Taylor fails to distinguish the range of reflective practices which are not reducible to the single term 'interpretation.'[82]

Tully's argument is not a refutation of Taylor's position,[83] but does pose interesting questions. This relevance is underlined by the comment that the 'thesis that the most fundamental ways in which humans understand themselves are interpretations is a mistake. *As the result of discussions of an earlier draft of this article Taylor now agrees with*

meanings to have an objective ontological basis but at the same time construes their epistemological basis as subjective' (272) associate 'rational' with 'deductive', presuppose the circularity of hermeneutics to be vicious without adequate examination or argument, and attempt to present Taylor's argument in terms of an epistemological model which has been explicitly rejected. Although Martin's article restricts its comments to Taylor's 1971 paper 'Interpretation and the Sciences of Man', given the date of its publication a more wide ranging discussion of the relevant literature might have prevented these misreadings, which undermine a potentially interesting comparison of interpretive and naturalist models of explanation.

81 Tully, 'Wittgenstein and Political Philosophy: Understanding Practices of Critical Reflection', *Political Theory* 17 (1989), 173. Tully takes as his examples Taylor and Jürgen Habermas, but offers his argument against 'the widespread acceptance of this convention'.

82 Tully, 'Wittgenstein and Political Philosophy...', 192-198. These criticisms occur in the course of a discussion of Wittgenstein's comments on understanding as rule following (roughly, *Investigations I*, §§ 185-210) which is of considerable interest but is beyond the range of the present discussion.

83 Tully notes the extent to which interpretation is a significant characteristic of human agency, and his appreciation of Taylor's work is fulsome, at e.g. p. 192, and 204 n.72.

this conclusion.[84] This seems a significant concession, but under scrutiny is not so damaging as at first glance. Tully's criticism relies on the claim that when Taylor describes humans as 'self-interpreting animals',[85] 'he means that...being involved in the activity of interpretation is *our basic way of being in the world.*'[86] This is certainly a permissible gloss of Taylor's approach, but is neither the most accurate nor plausible account available. As this discussion has made clear, strong evaluation is a necessary rather than sufficient condition of identity. The inescapability ascribed by Taylor is not 'foundational' claim in the totalising sense suggested by Tully: not all activity is interpretive, and interpretation is partly, not wholly constitutive, of identity.

As noted earlier, language and interpretation are used by Taylor in a broad manner encompassing the range of communicative media and intersubjective activities.[87] This is far from consistent with Tully's identification of the governance of 'a canonical type of critical reflection.' In addition the complexity of evaluative frameworks, which are explicitly accountable in terms of discursive regularity as well as indeterminacy, defies Tully's one-sided depiction of hermeneutics. The difference between an aspect of identity being incomplete and *open* to interpretation and it being actively *in* question is not acknowledged by Tully, an omission which leads him to overstate and invalidate his criticism. Whether or not the interpretive practice of strong evaluation really *is* inescapable is a different question that Tully does not pursue, but which will be addressed following consideration of his remaining criticisms.

Tully's second and fourth points suggest that interpretation is both (ii) conflated with 'understanding' and (iv) insufficiently distinguished from alternative reflective practices by Taylor. Drawing on Wittgenstein, Tully argues that 'understanding must consist in the ability to "grasp" a sign manifested in actual *praxis*...understanding is accompanied by interpretation in some circumstances, but it cannot always be so, on pain of infinite regress. (Interpretations come to an end somewhere.)'[88] It is not clear quite where this becomes a criticism of Taylor. Self-interpretation involves the evaluative response of the self to questions posed in the course of engagement in complex social environments. This does not make *everything* a question to be interpreted and nor does it deny that interpretations 'come to an end.' Taylor's realism is entirely congruent with

84 Tully, 'Wittgenstein and Political Philosophy...', 196, emphasis added. Unfortunately, to the best of my knowledge neither Taylor nor Tully have commented on these discussions in their voluminous recent writings (which include the *Festschrift* edited for Taylor by Tully). The following comments offer the best response available to reflexive hermeneutics as developed in this discussion, and is consistent with Taylor's writings both before and after the appearance of Tully's article, but do not have a more explicit textual basis.

85 e.g. Taylor, *Philosophical Papers I*, Ch. 2.

86 Tully, 'Wittgenstein and Political Philosophy...', 192, emphasis added. The pejorative use of Heideggerian terminology here is a mark of the direction of Tully's critical comments.

87 Ch. 4 § 5 above.

88 Tully, 'Wittgenstein and Political Philosophy...', 195.

this distinction between understanding and interpretation, but emphasises the latter rather than the former because the contexts and questions discussed by hermeneutics manifestly *do* require interpretation as an aid to understanding.

Although the charge that interpretation and understanding are conflated is unsustainable, Tully's related point that critical reflection occurs in a variety of forms which do not necessarily conform with the conceptions developed in Taylor's hermeneutics draws attention to the potential of any theory to exceed its own objectives or to overlook its limitations. The risk of lapsing into a comfortable vocabulary of text, context, understanding and interpretation which becomes inattentive to the reality it purports to explain is an ever present one. In this sense the suggestion that 'we should carefully discriminate amongst the different forms of reflection'[89] is an apposite reminder that Taylor's theory offers *a* strategy of explanation rather than *the* strategy. Again, however, this is at best an indirect criticism of reflexive hermeneutics.

Tully suggests that the use of interpretation as a general term offers further evidence of Taylor's 'foundationalism'.[90] The point here seems to be that because he fails to conduct an exhaustive survey[91] of possible forms of reflection, Taylor conceives of naturalism and his own favoured methodology as the only available options, and in vindicating the latter over the former necessarily claims a foundational role for that approach. This is of course not the case, and given the diverse range of Taylor's writings is a bewildering criticism. What is offered is a particular formulation of hermeneutics – a diverse tradition of thought – advanced against naturalism, itself identified as a tradition in virtue of a common epistemological commitment. To invoke Tully's own professed guide in these matters, traditions are complex and disparate, and are best thought of in terms of 'family resemblance'[92] rather than doctrinal homogeneity. Secondly, although aspects of Taylor's discussions (concerning, for example, realism and weak transcendental

89 Tully, 'Wittgenstein and Political Philosophy...', 198.

90 Tully, 'Wittgenstein and Political Philosophy...', 198.

91 Tully offers ten reflexive sounding adjectives here (extending from deconstruction to verification) but this only begins to scratch the surface of modes of interpretation (historical, documentary, aesthetic, fictional...). Pertaining particular conditions (material, ideological, geographical...) would compound the difficulties here, making the advantages of such a taxonomy less than obvious. Tully's aim in his article is to liberate us from the foundational assumption that critical reflection must proceed according to a canonical model of interpretation. Since that assumption is not present in Taylor's work, the liberation on offer is rather hollow. Despite this, Tully's article has much to commend it; an interesting thesis developed using Wittgenstein in a novel way, which is very effective against Habermas (for whom legitimacy is dependent upon a presupposed universal standard of undistorted communicative rationality in a manner which arguably is 'canonical' in the required sense), less so when deployed against Taylor.

92 Wittgenstein, *Philosophical Investigations I*, §§ 66–7. Wittgenstein's point here is that no identifiable criterion can isolate the meaning of game independent of its occurrence as 'game' in speech situations. Because the language game is the unit of meaning there is no essential 'gameness' to be identified. Rather (§ 66) 'we see a complicated network of similarities. By analogy, there is no essential (foundational) method of interpretation which is conveyed by the term 'hermeneutic', only a variety of methods exhibiting general and particular similarities and differences.

argument) extend beyond the human sciences strictly conceived, his anthropology is at no point advanced in the form of a general philosophical foundationalism. Its claims are significant but make no claim to overall explanatory sufficiency or totality. Furthermore, in the following chapter a range of non-naturalist arguments (adopting a general stance that encourages the label 'post-structuralist') receive consideration which challenge and refine reflexive hermeneutics through the analysis of power and subjectivity. Tully reminds us of the need to be aware of the diversity of critical strategies available to theory, but is incorrect in attributing to Taylor the view that interpretation 'can play the mythical role of founding patriarch of our political life.'[93]

The evaporation of Tully's 'foundationalist' charge makes the last of his criticisms, that activities of understanding are prior to those of interpretation, less dramatic. This is particularly so given that Tully affirms the importance of interpretation as 'a feature of our identity as moderns', and agrees that identity 'belongs to the language game of self-interpretation.'[94] Whilst it is logically correct that when something is adequately understood it is not in need of interpretation, this does not undermine the privileged status accorded to strong evaluation by Taylor. Interpretive practices are important to the subject because under conditions of late modernity identity *is* problematic, and consciousness reflexive. As Bernard Williams forcefully puts it, 'there is no route back from reflectiveness.'[95] Once questions of morality and identity arise and take root they can undergo reformulation or temporary suppression, but cannot be eradicated.[96] Taylor's discussion captures this inevitability with a force that is unimpeached by Tully's analysis.

Because the methodological defence of reflexive hermeneutics depends partly upon its status as the 'Best Account' if Tully's inconclusive logical claim that interpretation is subordinate to understanding can be supported by a plausible competing account where evaluation is optional rather than inescapable for identity, the explanatory superiority claimed by Taylor over the range of reductive approaches subsumed under the portmanteau term 'naturalist' would be seriously challenged. Reduced to merely one amongst many approaches reflexive hermeneutics would forego any special claim of relevance even to those anthropological questions which it explicitly attempts to address.

93 Tully, 'Wittgenstein and Political Philosophy...', 199.

94 Tully, 'Wittgenstein and Political Philosophy...', 199.

95 Williams, *Ethics and the Limits of Philosophy*, 163.

96 When and where reflexivity *was* irrevocably established is a question more suited to a parlour game than a historical enquiry. Williams, *Ethics and the Limits*, 163, suggests '1914, the Industrial Revolution, Galileo, the Reformation, or some yet earlier item.' Taylor's account of the modern identity hinges upon the introduction by Augustine of the idea that religious truth is manifest internally as well as externally of man. See e.g., Taylor, *Sources of the Self*, 130: 'Augustine shifts the focus from the field of objects known to the activity of knowing; God is to be found here...To look towards this activity is to look to the self, to take up a reflexive stance.' See also Taylor, 'Inwardness and the Culture of Modernity'.

Such a case is presented by Owen Flanagan, who like Tully acknowledges the force and plausibility of Taylor's methodology but argues that '...it is not a truth of philosophical psychology that all persons, even all ethical persons, are reflective.'[97] Flanagan broadly concurs with Taylor's theorisation of engaged agency and intersubjectivity[98] but claims that intersubjectivity and strong evaluation are both logically and psychologically unrelated.

That humans are self-interpreting animals, he suggests, does not require that the interpretation be especially reflective. Subjectivity can proceed with others in a rich environment of intersubjective practices without being reflective or articulate about the activities concerned. Identity precedes evaluation for Flanagan just as understanding precedes interpretation for Tully's Wittgenstein. Psychological sophisticates might pity the 'dim and inchoate' sense of self maintained by such people, characterised (following Taylor's terminology) as 'weak' rather than 'strong' evaluators. It is undeniable, however, that those concerned have identities, and that those identities, although not directed towards explicitly articulated constitutive goods, can be ethically coherent.[99] The constitutive relation between self and good is in these terms optional, and although perhaps desirable is certainly not inescapable.

Flanagan's analysis is compatible with Tully's, but is advanced in a more moderate and focused form. As was the case with Lane, it requires practical support (conclusive justification being unavailable) via the provision of supporting examples consistent with a character type recognisably prevalent within complex modern societies. Flanagan offers several examples, all more keenly observed than the hypothetical nihilists and fascists considered earlier. Each presents evidence for the claim that identity is not interpretive in its entirety, but that is not a claim which Taylor makes in the first place. They do, however, elaborate non-evaluative aspects of identity (implied but not explored by Tully) which helpfully illustrate the explanatory limits of Taylor's hermeneutics.

Flanagan initially attempts to show that 'normal persons often lack a deep reflective appreciation of who they are.'[100] Whilst it may be correct that infants as young as two years, and psychiatric patients undergoing identity crises[101] manifest in their observable behaviour a minimal self-conception such that they 'experience themselves as the locus of

97 Owen Flanagan, 'Identity and Strong and Weak Evaluation', in Owen Flanagan and Amélie Oksenberg Rorty (eds.) *Identity, Character and Morality: Essays in Moral Psychology* (Cambridge, MA., MIT Press, 1990), 62–3.

98 'It is a fundamental truth of philosophical psychology that we are intersubjective selves.' Flanagan, 'Identity and Strong and Weak Evaluation', 44.

99 In Flanagan's terms 'not necessarily counterethical', which amounts to the same thing. Flanagan, 'Identity and Strong and Weak Evaluation', 49.

100 Flanagan, 'Identity and Strong and Weak Evaluation', 44.

101 Defined by Erik Erikson as a 'lack of personal sameness and historical continuity', cited by Flanagan, 'Identity and Strong and Weak Evaluation', 48.

a set of subjectively linked events,'[102] these cases have little impact upon Taylor's argument for strong evaluation. The conceptions of identity and agency at issue for reflexive hermeneutics are rich and embodied in a manner which is barely even implied by the formal self-awareness identified by Flanagan. The use of 'normal' in these examples is associated with the individuation of personality rather than with the effective agency[103] in which context Taylor uses the term.

Flanagan's second example concerns identities which lack interpretive articulation in the public and expressive fashion developed by Taylor, as he argues that in Tolstoy's short stories the dignity of the Russian peasantry is characterised, rather than betrayed, by the absence of articulation. This allows that the peasants *do* comprehend themselves within a contrastive space of questions, for example, 'between a Christian life of love and its alternatives...but Tolstoy's peasants cannot be very articulate about this contrast.' Flanagan here concedes a considerable amount of Taylor's position, but the movement in his analysis from evaluation to articulation calls into question the expressive role accorded to language, which is undeniably central (without being in any sense foundational) for Taylor's theory.

Setting to one side issues arising from the use of fictional examples[104] the argument that identity can be psychologically deep and morally coherent without requiring introspective self-interpretation and concomitant articulation does seem plausible. Undemonstrative and inexpressive figures are (as with Tolstoy's peasants) are often accorded a measure of dignity commensurate with their apparent reserve which is not equated with any lack of reflectiveness. Articulation (in word and/or deed) may be a

102 Flanagan, 'Identity and Strong and Weak Evaluation', 48.

103 As conceded by Flanagan, 'Identity and Strong and Weak Evaluation', 49, who nevertheless maintains that since a self is in some sense 'there' so is an identity.

104 The question of how the depiction of a possible (rather than actual) identity might convincingly undermine a developed philosophical position is complicated by the use of examples drawn from fiction, but not in an excessive manner. Although 'thicker' than hypothetical cases (which are little more than extensions of the propositions they are designed to 'justify') fiction introduces interpretive concerns at some remove from the meta-theoretical focus of philosophical anthropology.

Tolstoy's peasants may not be depicted engaging in practices of articulation, but this does not undermine Taylor's position any more than examples of strong evaluation drawn from literature could be said to constitute a justification of it. The imaginative identification which fiction invites so occurs at some remove from the reality of the general anthropological questions – the world being more than a text – with which reflexive hermeneutics is concerned at a general methodological level. Fictional meditations on character and judgement can help us think, but are complicated by issues concerning literary method, authorial style and intent, the mediation and transfiguration of meaning, etc. Literature offers explorations of *dimensions* of character, which can (but do not always) engage questions of judgement, goods and evaluation. Imaginative identification with fictional situations and personalities can inform and provoke reflection, but the effect of fiction should not be confused with the activity of reflection, part of the more general response of subjectivity to human situation and engagement which hermeneutics attempts to comprehend and theorise.

These comments are directed towards the use of personae drawn from fiction, and are not intended to encroach upon issues involving literary and aesthetic theory which (as with Taylor's discussion of the epiphanic potential of modernist poetry) extend far beyond the purview of this essay.

desirable quality, particularly in an expressive, post-romantic literary culture, but its lack does not indicate the absence of identity.

Flanagan's final example of inarticulacy is that of athletes who as coaches are unable to communicate their knowledge to others. The 'acquisition of athletic know-how and savvy by way of continuous practice'[105] involves understanding (of techniques and modes of conduct), evaluation (of tactical and/or competitive situations), and perhaps a range of personal qualities (self-discipline, competitiveness, a sense of fair play). Such activities and aptitudes (although perhaps naïvely stated here) are amongst the integral goods of sporting practices, and presumably occur with considerable intensity and depth in the case of 'great athletes'. But, as Flanagan points out, the knowledge acquired in the course of sporting endeavour need not be linguistically formulated, and more importantly may not be susceptible to such formulation.[106]

Flanagan agrees with Taylor that human experience is never independent from language, but maintains that this does not demand that all experience be 'linguistically corralled.'[107] Although the theorisation of engaged agency called attention to the 'prethematised understanding'[108] requisite for intelligible agency, the tightly linked concepts of evaluation, articulation, and identity in Taylor's work are dominated by their linguistic aspects. Flanagan's claim that Taylor's discussion of prearticulate understanding is in conflict with the role accorded to articulation is unfounded. The relevant issue here which could undermine the linguistic focus of Taylor's methodology is not that of compatibility, but of the importance for identity of inarticulate understanding and implicit evaluation in practices associated with normal agency.

Flanagan's arguments against the primacy of reflection are more carefully developed than Tully's, but the substance of both critiques suggest that understanding and identity occur in the course of practices which are best characterised in terminology other than that of linguistic reflexivity. Flanagan's examples, however persuasive, only offer *partial* accounts of *aspects* of character. They do not touch on the complexity of identity as formulated in the range of overlapping discourses and practices with which Taylor is concerned. The inarticulacy of an athlete with regard to 'sporting know-how' might be complemented by a high level of linguistic awareness in other aspects of identity; and whilst the characters inhabiting Tolstoy's short stories might be denied reflexivity, other examples from his oeuvre (such as the protagonists of *Anna Karenina*) offer striking

105 Flanagan, 'Identity and Strong and Weak Evaluation', 52-3. As with Tolstoy's peasants, this example could be countered by instances of 'sporting greats' who have successfully articulated their 'know-how' as coaches and/or pundits. Little would be gained by such a process, other than to point out again that an example can support an argument, but is itself neither argument *nor* proof.

106 i.e. It is not the case that the coach has a deficient vocabulary, rather that language is inadequate to the knowledge concerned.

107 Flanagan, 'Identity and Strong and Weak Evaluation', 52.

108 Taylor, 'Engaged Agency and Background', 329; Ch. 4 §3 above.

examples of self-interpretation. In order to decisively undermine interpretive theory it must be shown not only that dominant activities of identity and identification *need not* be reflexive, but that they actually *are not* so.

As a question of political philosophy[109] this invites consideration of the relationship obtaining between theories and practices of reflection. Both Tully and Flanagan suggest that understanding occurs in the course of customary and habitual activities rather than critical reflection,[110] an argument for the primacy of the practical over the theoretical appealing to practices which supposedly manifest an irreducible *ethos*. As with 'sporting know-how' *ethos* is not automatically available to language,[111] and in the context of a form of life is perhaps one way of naming the thing Wittgenstein suggests is 'grasped' in an act of understanding. Following this argument from understanding, ethical knowledge originates in activity, not contemplation. Where these understandings are secure (or pretheoretical) reflection and interpretation are unnecessary and the contribution of theory to practice is likely to be minimal. It is here that the apparent tension between theory and practice emerges, as conventions, practices, standards of judgement, established behaviour, etc., – in short, the *ethos* of a society – which are acquired and internalised by the subject through participation in established practices, are called into question, irrespective of their efficacy, by the unrelenting critical gaze of modern culture.

Although reflection must at some juncture begin with information manifested in practices, from its point of origin with Plato political theory has concerned the critical examination of conventional understandings which masquerade as forms of wisdom. Once challenged, however, understandings which were once held as certainties can never stand in quite the same relation to identity.[112] Modernity enjoins reflexivity with an urgency which proliferates irrespective of the status of that which falls within its purview, and can hence undermine forms of belief which manifest the *ethos* of a society; yet simultaneously the *ethos* of modernity contains, and is arguably dominated by, an ideal of

109 Where a cognitive psychologist, for example, might attempt to test the hypothesis through the quantitative measurement of levels of reflexivity in experimental subjects.

110 Ronald Beiner, 'Do we need a Philosophical Ethics? Theory, Practice and the Primacy of Ethos', *The Philosophical Forum* XX (1989), 230-243.

111 i.e. as humans are linguistic beings it is not language independent, but our understanding of it is not predicated upon the ability to articulate it in language.

112 Matthew Arnold's *Dover Beach* is the canonical, and much quoted, formulation of the crisis of faith provoked by Darwinism and is not in need of repetition here. For Taylor on Arnold see 'Modernity and the Rise of the Public Sphere' in Grethe. B. Peterson (ed.), *The Tanner Lectures on Human Values* 14 (Salt Lake City, University of Utah Press, 1993), 208 ff., and Taylor, *Sources of the Self*, 408 f. Responses to this crisis of course vary, but the sceptical moment is ineradicable from religion in the late twentieth century whether one's response is atheism, agnosticism, affirmation as an act of faith or induction into a 'reborn' sect; this last option implies its own peculiar psychopathology, but is undeniably a response to the form of unbelief characteristic of science-oriented cultures.

critical awareness.[113] When unhelpfully formulated as a contradiction, this paradox eventuates in a rather stale and inaccurate opposition between tradition and modernity.[114]

This misconception obscures the relation between *ethos* and reflection, and precludes the identification of a position which does not pose the question of tradition and modernity in terms of bivalence. It is not the case that either reflexivity or habituation need be accorded some unassailable philosophical priority.[115] Taylor's discussion of engaged agency fully acknowledges the importance to subjectivity of a multiplicity of contexts and practices, but justifiably privileges the conflicts and debates of history, culture and value which arise in the process of that ever expanding pluralism. The interpretive structure of the theory is not attributable to a whimsical or arbitrary philosophical preference; it is rather an attempt to capture and respond to the complexity of human engagement within pluralistic, literate and (to a greater rather than lesser degree) reflexive environments. It is this complexity, and the questions thereby presented to the subject, which makes the question of identity, and the forms of politics implicated and constituted by that problematic, a pressing one of both theory and practice in modern societies.

The argument that the critical examination of established forms of life destroys the ethical knowledge which philosophy purports to validate is so predicated on the bifurcation of theory and practice. Modernity and pluralism are to a large extent co-extensive, and ideas of critical reflection are of considerable weight for both terms. In consequence many contemporary practices either have a reflexive component or are a product of reflection, an elementary observation which alone renders the convenient opposition of tradition and modernity inconveniently unsustainable. When practices are reflective no such opposition occurs because theory and practice coincide in reflexivity, and when practices are unproblematic the need to interpret them is absent, and again no such opposition occurs. The argument against reflection seems in these terms a curious

113 Which is bound up with the idea of 'inwardness' discussed earlier; something (a belief, understanding, etc.) is not authentic until I have examined, justified and affirmed it. This observation is similar to that of Williams, *Ethics and the Limits of Philosophy*, 163-164, who acknowledges that although reflection can destroy ethical knowledge, this is both unavoidable and potentially beneficial insofar as 'in losing ethical knowledge we may gain knowledge of other kinds, about human nature, history, what the world is actually like.'

114 The clearest recent statement of this supposed opposition being that of Alasdair MacIntyre, *After Virtue*, Ch. 9, whose overheated assessment of the presently obtaining crisis of morality claims that the only available choice is that between 'Nietzsche or Aristotle?' MacIntyre goes on however to explore the resources of Aristotelianism at some length, developing an account of traditions as dynamic, deliberative movements of thought, rather than unreflective canons of belief. Despite being by far the harshest critique of modernity and liberalism amongst the so-called communitarians, then, even MacIntyre's advocacy of tradition (presently that of Thomism) is far from being uncritical.

115 Which Tully seeks to establish for 'understanding' and (although more moderately stated) Beiner for *ethos* in their respective analyses.

one, which needs to show that *unnecessary* reflection occurs to the detriment of ethical practices. As the occurrence of reflection is itself an indication of the insufficiency of an established belief, practice, etc., it is difficult to see how such a case could be made, since the occurrence of critical reflection demonstrates or creates its own inexorability. Furthermore, as a practice reflection is itself always context-dependent. Arbitrary problematisation at the hands of theory can potentially destroy established meanings and practices, but need not always do so: critical examination of everyday practices can refine and strengthen as well as undermine them. Alternately, theoretical presuppositions can be questioned and methodologies undermined by the response of practice to theory; a community might, for example, simply disregard the verdict of theory when its irrelevance is self-evident. This is perhaps more often the case than most social scientists would care to acknowledge.[116]

Taylor can concur with Beiner's judgement that ethical judgement is practical rather than theoretical[117] without being drawn into unsustainable claims about the primacy of either. Recalling Williams's point that there is no route back from reflectiveness, it is apparent that any such distinction has already been blurred beyond measure. Beiner rightly argues that 'no philosopher can legislate a new *ethos*'[118] but that does not preclude theory from abetting activities of interpretation in order to sustain and innovate understandings and responses to unfolding ethical dilemmas. Indeed, Taylor's claim for the inescapability of strong evaluation is compatible with Williams's observation. Evaluation is inescapable because frameworks are both plural and problematic in modern societies.[119] Where competing goods and forms of life co-exist, overlap, obscure, conflict and co-operate with one another reflection and decision between and within the range of options available to the self is indeed necessary, firstly in order to recover and clarify goods and meanings, and secondly if social identities, and the relations they express, are to receive coherent formulation and articulation.

If Taylor's theory was either foundational or inattentive to pluralism, then the argument from understanding would have more force. Beiner's argument, following Gadamer, for the 'primacy of ethos' is directed against the foundationalist claims of critical theory[120] rather than critical reflection *per se*, but overlooks the interdependent and, as outlined above, unpredictable relation between theory and practice. The analyses of Tully and Flanagan also depend upon the attribution of a false antimony to Taylor,

116 In my limited experience, for example, natural scientists typically do not recognise themselves within, and in consequence pay little or no attention to, the analyses of their activities advanced by Kuhn and Feyerabend.

117 Beiner, 'Do we need a Philosophical Ethics?...', 234-5.

118 Beiner, 'Do we need a Philosophical Ethics?...', 240.

119 Taylor, *Sources of the Self*, 17 f., Ch. 25.

120 Beiner, 'Do we need a Philosophical Ethics?...', 232.

but nevertheless ask perceptive questions of interpretive theory. Flanagan's critique points to the limits of reflexive hermeneutics: that evaluations can be more implicit than Taylor suggests, and need not be articulated with the clarity to which he aspires. Neither of these observations undermines Taylor's arguments, but they remind again us that identity is as ambiguous as its contexts, can be more or less successfully formulated, and similarly variable in the character and opacity of its articulation.

THE PROCESS OF PHILOSOPHICAL JUSTIFICATION is a painstaking and prolonged but valuable one. In negotiating the most pressing objections to hermeneutics as a philosophical methodology, a range of issues – the role of examples in explanation, language and realism, the Best Account and Reflective Equilibrium, interpretation and understanding, and the limits of reflection – came to light in such a way as to clarify and at times moderate the claims of reflexive hermeneutics. In so doing the relationship between language, self and social context which emerged further undermined Rawls's individuated self and its supporting methodology. The critique of Justice as Fairness remains incomplete, however, until the resources of Taylor's philosophical anthropology are brought to bear upon issues of pluralism, identity, language and value conflict in an explicitly political manner.

CHAPTER SIX

POLITICAL THEORY AND COMMUNITY

[1] ANTHROPOLOGY TO ADVOCACY

THE MOVEMENT OF THEORY FROM ANTHROPOLOGY to political advocacy is both unclear and underdetermined. Ideal-type correspondences between self and society or the parts thereof are neither sustainable nor plausible. The original equilibrium established by Plato in *Republic*,[1] as with that offered by Rawls in *Theory*, is achieved through the domination by reason of more worldly aspects of character (for Plato our spirit and desires, for Rawls our conceptions of the good). The neatness of such theoretical schemes depends on either misconception or suppression and in either case is fated to prove inadequate when faced with the complexity of human affairs.

The examination of their respective conceptions of subjectivity demonstrated how Taylor's interpretive methodology consistently challenges Rawls's analytic approach. In matters of political judgement this disparity can initially appear less transparent, as although the manner of their formulation may be very different, the positions supported by hermeneutic and constructivist analyses need not be diametrically opposed. On many issues (distribution, equality, opposition to discrimination and intolerance, etc.) they are even likely to be in (very) general agreement. Michael Sandel's critique of Rawls does not dispute the egalitarian implications which are typically associated with the difference principle. His objection is rather that the robust formulation and defence of such a position requires much stronger conceptions of self and community than those offered by Rawls.[2] Similarly, Sandel defends sexual freedom by appeal to the goods, for example of

1 Plato, *Republic*, 434d–445. The comparison of Plato and Rawls is not one upon which I would wish to place any weight, but it is of passing interest that the possibility of both Plato's 'City in Speech' and Rawls's 'Well-Ordered Society' is dependent upon the sufficiency of their respective conceptions of reason.

2 Sandel, *Liberalism and the Limits...*, 149.

love, intimacy, friendship and mutual support, which are characteristically associated with and (ideally) attained in human relationships irrespective of the gender of the participants. Rather than invoking the vocabulary of privatised individual rights and a model of toleration which aspires to neutrality concerning the moral status of values and practices, Sandel argues that sexual and reproductive liberties realise goods which are already affirmed in the public, legal and political discourses common throughout western societies. By exploring the beliefs and practices of participants in the dispute, a level of understanding of what is actually at issue between the parties is made possible which potentially enables debate to take place in more expansive terms than those afforded by incompatible deontic claims. Although Sandel's justification draws upon goods rather than rights, the outcome of his discussion is – at least superficially – compatible with that of Rawls.[3]

This apparent concurrence does not undermine the extent and significance of the debates outlined in the course of this essay, which are indispensable to coherent and sustainable political analysis. Consideration of methodological and anthropological issues contributes towards the resolution of concepts and categories, in order that they can be intelligibly used as tools of political understanding. Without such clarification the possibility of thorough and consistent reflection, in both general and particular contexts, is correspondingly diminished. The theoretical issues worked out in the preceding chapters are (part of) the constitutive background of interpretive theory, informing conceptions of politics and of political philosophy quite distinct from the Rawlsian normative model. This contrast emerges with particular clarity in the treatment of pluralism, multiculturalism and community, areas which are explored further in this chapter.

Some initial remarks on interpretation and judgement may be helpful here, clarifying the location and context of hermeneutic political theory. As with the situated subject, interpretation can only occur *in media res*.[4] A theorist may aspire to a level of even-handedness in considering alternate claims, arguments, and interpretations, but any critical distance will always be insecure and cannot be equated with impartial or

3 Sandel, 'Moral Argument and Liberal Toleration: Abortion and Homosexuality', *California Law Review* 77 (1989), 521-538. Rawls, *Political Liberalism*, 243 n.32.

4 Michael Walzer, *The Company of Critics* (London, Peter Halban, 1989), Ch. 1, explores the history, location and role of the 'social critic' as a figure who offers an internal interpretation and critique of his own society. Walzer's 'social criticism' and what this chapter labels 'applied interpretation' are similar, if not identical, genres. Where Walzer's studies concern pivotal figures such as Buber, Gramsci, Orwell, Camus and Foucault, the status of applied interpretation and its practitioners – imperfectly represented below by Sandel and Kymlicka – is perhaps less dramatic and portentous, although it need not be any less significant or effective in virtue of its modesty.

Archimedean judgement. As has been established at some length, linguistic understanding[5] depends on prethematised or pre-articulate awareness which (however implicitly) influences activities of judgement and interpretation. It furthermore follows from the repudiation of excessive methodological abstraction that devices such as the original position are to be viewed as unnecessary flights of imagination. The heuristic value of even trivial hypothetical examples is limited, and when compounded by the level of artifice sought by Rawls constructivism is ruled out as a compelling methodology (of either deduction or interpretation). This is not to say that prevailing social and political values and institutions[6] are presupposed or accepted as natural, inescapable or defensible. It is instead to claim that the norms and concepts brought to bear in the examination of such institutions acquire their relevance as critical standards due to their presence within ongoing practices of reflection and evaluation. The question (to the extent that it is intelligible) of whether and how they might acquire significance under original-position-type hypothetical conditions is irrelevant to the application of critical concepts in determinate situations.

Rather than attempting to define and legitimate principles and institutional structures according to abstract models of reason and justification, interpretive political theory seeks to articulate and interpret the range of pertinent goods, the meanings which they manifest, and the institutions and relationships through which they attain expression in, and with reference to, the circumstances in which they become problematic. In addressing issues of sexual freedom Sandel is able to refocus debate around concepts of value likely to be shared, and hence available to dialogue, between those prepared to constructively engage in public deliberation and decision-making. Such discourse is far removed from that shaped by assertions of right (to either 'life' or 'choice', for example) which organises argument around indefatigable claims in a manner which frustrates rather than facilitates dialogue.

[2] Interpreting Political Conflict

A more detailed examination places in relief the resources brought to bear by an interpretive approach to the understanding of political disputes. The support of a language — Taylor offers the case of French in the controversy over Quebec[7] — is

5 Which does uncontroversially monopolise understanding within political theory as a discursive discipline.

6 Roughly, in 'late-modern' societies, the centralised bureaucratic state, and the public and private institutions and apparatuses of capitalist economy and majoritarian representative government.

7 See in particular, 'Alternative Futures: Legitimacy, Identity and Alienation in Late-Twentieth-Century Canada', and 'Shared and Divergent Values' respectively chapters 4 and 8 of Taylor, *Reconciling the*

defended on the grounds that language is required and presupposed by the cultures, forms of life and values which are associated with it by Quebeckers. This defence does not rely upon formal rights of independence or autonomy, appealing instead to phenomena which are realised in language and linguistic practices which, insofar as they underlie and are hence required by these forms of life, are themselves goods. Framed in terms of the relationships between languages — on a continuum encompassing compatibility, competition and conflict — the possibility of negotiation and co-existence arises in a sense which is unavailable to a model of politics dependent upon assumptions of individuation, instrumentality and deontology.

In the case of Quebec the language question, which is prior and not reducible to individual or majoritiarian preferences, properly concerns the terms of co-existence between French and English speakers, not the supremacy of one at the expense of the other. The formulation of the debate in terms of linguistic, national and/or cultural autonomy obscures this interdependence and plurality, in consequence obstructing the dialogue from which a satisfactory resolution might eventuate. The diffuse relationship between the two languages requires that they be recognised as social resources underlying an array of activities, customs and beliefs. These goods and practices articulate identifications and differences of and between persons and groups at levels which incorporate, but also transgress and transcend, boundaries between English and French. The vocabulary of rights, where ostensibly incompatible claims are typically formulated in terms of opposition rather than interdependence, is unable to theorise context and complexity in a sufficiently nuanced fashion, and emerges severely diminished from a comparison with interpretive methods of theorising political debate

This weakness is clearly illustrated in Will Kymlicka's attempt to fashion a liberal theory capable of addressing relations within and between diverse cultural formations. Kymlicka agrees that Rawls pays insufficient attention to the background conditions required by an intelligible anthropology, which he labels 'the cultural context of choice.'[8] The omission is taken to be an oversight rather than a deep-seated methodological flaw, which Kymlicka attempts to correct by the formulation of a concept of *cultural membership* which is introduced into Rawls's scheme of concepts and endowed with the status of a primary good. This supplement to Justice as Fairness defines as a right the provision of a secure environment in which the individual might exercise

Solitudes: Essays on Canadian Federalism and Nationalism, ed. Guy LaForest (Montreal and Kingston, McGill-Queens University Press, 1993). See also Taylor, 'Reply and re-articulation', 253-7.

8 Will Kymlicka, *Liberalism, Community and Culture* (Oxford, Clarendon Press, 1989), 177. Despite drawing heavily on Rawls, Kymlicka passes over the detail of, and problems surrounding, the Original Position in general and primary goods in particular.

his potential for autonomous choice, and sanctions the allocation of special rights and privileges by the state[9] in order to establish and maintain conditions of equality within minority groups (Kymlicka's main concern is with aboriginal peoples in Canada) otherwise disadvantaged by principles and policies which presuppose the presence of a universalised and undifferentiated citizen identity.

The attempt to theorise and reconcile collective rights with a philosophy premised upon individual inviolability is perhaps laudable, but is fated by its presuppositions to be at best incomplete and at worst incoherent. Kymlicka's concern with 'secure cultural membership' is *not* a concern with culture (or, more charitably, is only indirectly so concerned) as special rights for endangered and/or minority groups are intended only to 'remove inequalities in the context of choice which arise before people even make their choices.'[10] The differentiated status established for particular cultural formations is not directly associated with languages, territories, or institutions independently of the individuals for whom those rights are sanctioned, and to whom they devolve when their legitimacy is queried.[11] Rights remain wholly dependent upon the presumed autonomy of those deemed disadvantaged in their absence, not on the importance of contexts as goods or as constituent parts of a distinct form of life. Cultures are in other words means rather than ends, even when privileged as the target of special rights.

Minority rights are vulnerable to strong objections from supporters of the broad liberal position which Kymlicka attempts to refine. Classical individualists (and atomists) view the very concept of minority rights as a contradiction of basic liberal principles which fails to respect or protect the individuality which it purports to advance.[12] More importantly in the context of the present discussion, Kymlicka's attempt to revise the Rawlsian scheme remains blind to the constitutive dimension of goods. Kymlicka's fundamental commitment to the methodologies of rights based individualism produces

9 It is noteworthy that 'cultures' are static entities within Kymlicka's theory. Powers of agency are limited to the State (issuing and guaranteeing rights which create equality between cultures) and individuals exercising their preferences in cultural contexts. The constitutive role of anthropological contexts is unremarked, as is the dynamic character of languages and practices insofar as they are constituted in discourse.

10 Kymlicka, *Liberalism, Community and Culture* ,190.

11 'Groups have no moral claim to well-being independently of their members.' Kymlicka, *Liberalism, Community and Culture* , 241-2.

12 Chandran Kukathas, 'Are there any cultural rights?' *Political Theory* 20 (1992), 105-139 argues these points (amongst others) in a discussion aimed primarily at Kymlicka, whose response, 'The Rights of Minority Cultures' *Political Theory* 20 (1992), 140-146, is to restate his claim that unequal rights can be justified in order to produce equality of opportunity for persons within and between unequally situated groups. Although Kukathas's argument that the principles of classical Liberalism (of Locke in particular) are adequate to the needs of all individuals and establish the limits of legitimate claims is to my mind wholly unpersuasive, it is damaging to Kymlicka, who presents his theory of rights as an explicitly liberal one and attempts to position it within the tradition extending roughly from Hobbes to Rawls.

conflict and contradiction in the concept of the person, and remains bereft of an adequate grasp of either culture, pluralism or their conjunction.

Kymlicka is consequently unable to advance debates such as that in Quebec beyond the crude oppositions of linguistic and national autonomy. Speakers of both tongues fear that their language, and ways of life, will become dominated by the other in the absence of a new constitutional settlement or the secession of French Quebec, but Kymlicka claims that neither group is actually disadvantaged because of the language issue. The tension between and fears of both groups are, he suggests, a manifestation of paranoia rather than a response to a genuine threat. Neither has cause to worry about 'the fate of their cultural structure' or the 'secure cultural membership'[13] which provides the requisite environment for individual choice: regardless of the ongoing dispute, a context of choice will indubitably remain available to both English and French Canadians. Kymlicka's theory ensures that cultural membership is available to present and future generations, but is unconcerned with the *form* of that culture.[14] According to his analysis the immediate survival of neither context is at issue, and because the two groups are equally positioned — in that neither is formally discriminated against or subordinated to the other — Kymlicka's liberalism simply has nothing to say to the debate.[15] This cultural silence reveals it to be no more adept than the Rawlsian model from which it developed.

The presentation of the Quebec situation in terms of contextual equality and as an instance of mass paranoia is unconvincing. If, as seems to be the case, the presently enforced bilingualism is unsustainable in the long term (i.e. over decades rather than electoral cycles), and the settlement which replaces it emerges from conflicting claims of independence and autonomy rather than an effective process of consultation and deliberation, then *contra* Kymlicka the fate of the cultural structure *is* at issue.[16] Advocates of secession are not preoccupied with the formal equality of choice supposedly available to all Canadians, but with the enduring presence of the language (be it French or English), and the practices and meanings which it manifests. Kymlicka's emphasis on

13 Kymlicka, *Liberalism, Community and Culture*, 190.

14 Kymlicka does not make the distinction between the survival of the 'cultural structure' and the form in which that survival occurs.

15 Taylor addresses the inadequacy of Kymlicka's theory regarding cultural survival in Taylor, 'The Politics of Recognition', *Multiculturalism: Examining the Politics of Recognition*, expanded edn, ed. Amy Gutmann (1994, Princeton, N.J., Princeton University Press), 40 n.16. He comments that 'Kymlicka's reasoning is valid (perhaps) for *existing* people who find themselves trapped within a culture under pressure, and can flourish within it or not at all.' It is not clear that even this is the case, however, given that any group deemed to satisfy Kymlicka's criteria of 'cultural insecurity' would almost certainly also indicate a culture whose survival is under threat irrespective of the preferences of those 'trapped within it'.

16 e.g. Taylor, 'The Politics of Recognition,' 57-60.

equality at the expense of identity prevents the appreciation of culture and language as goods which may be in need of assistance and protection for reasons other than those of choice.

Kymlicka's recent *Multicultural Citizenship* offers a more detailed account which attempts to refine and entrench his theory of minority rights.[17] The treatment there of questions raised by multiculturalism for political theory engages with issues of identity and citizenship in far greater detail than *Liberalism, Community and Culture*, but does not disclose the conceptual resources required for a more satisfactory response to the 'fact of pluralism.' *Multicultural Citizenship* remains overwhelmingly focused on the issue of choice,[18] and as before the position of French-Canadians is not in his view sufficient to command the attention of the anglophone majority or its state. Kymlicka now classifies the issue (in a manner comparable with Rawls's revised doctrine) as one of social coherence rather than paranoia. *Multicultural Citizenship* does not repeat or review the trenchant but inaccurate criticisms levelled at Taylor (and Sandel) in *Liberalism, Community and Culture*, making the precise relationship between the two works difficult to specify.[19] Employing a great deal of historical and political material Kymlicka develops arguments from the earlier book but rarely refers to them in detail, and his appreciation of Taylor's contribution to the Canadian debate in *Multicultural Citizenship* is arguably inconsistent with his earlier critical analysis. This incongruence is however minor; much more significant is that although Kymlicka concedes much to Taylor's approach in the case of Canada, he does not acknowledge the wider negative implications entailed by that judgement for the Rawlsian project and its attendant methodologies.

'The health and stability of a modern democracy', Kymlicka claims, 'depends not only on the justice of its basic institutions, but also on the qualities and attitudes of its citizens.'[20] Passing over the question of whether the theory and practice of liberal individualism is adequate to engender and sustain the requisite civic identity even in a monocultural context, Kymlicka argues persuasively that many minority rights

17 Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Clarendon Press, 1995).

18 For example, 'liberalism is fundamentally concerned, not with the fate of states, but with the freedom and well being of individuals'. Kymlicka, *Multicultural Citizenship*, 186, *passim*.

19 Chapter 3 § 3 above. Taylor's brief comments on *Multicultural Citizenship* are laudatory rather than critical, and make no mention of the relationship between his thought and Kymlicka's. *American Political Science Review* 90 (1996), p. 408.

20 Kymlicka, *Multicultural Citizenship*, 175. Kymlicka proceeds to offer a list of such qualities and attitudes, laying particular emphasis on toleration, participation, self-restraint, responsibility, justice and distributive fairness. This model of citizenship is perhaps overoptimistic – cultures are not always as open and progressive, especially when facing a perceived threat by the presence of another at the boundaries of identity – but is perhaps defensible as an ideal type.

(exemptions, differential treatment, positive discrimination)[21] serve to integrate previously excluded groups and individuals within an existing predominant identity. The specification of such rights is expansive rather than divisive in a manner consistent with an ideal of civic solidarity. This model is however severely limited by its theoretical and empirical requirements. In addition to a concept of autonomous subjectivity, the scheme relies upon (i) the presence of a clearly explicable dominant culture into which minority groups can integrate, which (ii) is 'authoritative', i.e. legitimate in accordance with the norms and principles of contemporary liberal theory, and (iii) has a basic structure of institutions which are readily 'adapted to reflect the increasing cultural diversity of the population they serve.'[22] Kymlicka describes a process of immigration, assimilation and integration, where a dominant open and tolerant culture absorbs and adapts as it expands. This model is undoubtedly significant as an ideal type (particularly in the instance of the United States), but is unduly narrow both in terms of application (few if any societies clearly converge on all three criteria), and in its ability to address the range of questions posed to groups and identities, of either a dominant or subordinate culture, by multiculturalism in late modernity.

Such is the case in Quebec, where the unease of French-Canadians suggests that the dominant (Anglo-Canadian) social context fails to satisfy two of Kymlicka's three criteria. It does not obviously function as an authoritative dominant culture (ii) into which integration is desirable, perhaps because (either partly or wholly) the political and economic institutions of that culture are at present insufficiently open to the transformation (iii) that full-blooded integration might demand. This restricted perspective creates, and is reproduced in, the presupposed availability of an authoritative, adaptable, dominant political culture. The narrow relevance of this view is rapidly exposed by any culture or minority group which diverges from Kymlicka's model, which envisages the creation of citizen solidarity through assimilation. Minority rights perform a function which, at the level of public citizenship, is levelling rather than differentiating. Kymlicka is sensitive to some of the consequences of this flattening of public identity: he recognises, for example, that 'imposing common citizenship on minorities...is likely to increase conflict',[23] but offers little guidance in the matter of negotiating conflicting

21 Kymlicka cites the cases of Sikhs and Jews who respectively wished to join the Canadian Mounted Police and US Military, but required dispensations allowing them to wear turbans and yarmulkes on religious grounds. In both instance the special right which was requested 'could only be seen as promoting not discouraging their integration' within the national culture and identity. *Multicultural Citizenship*, 177.

22 Kymlicka, *Multicultural Citizenship*, 181. The numbering of the claims does not occur in the text, but their introduction here does not alter the substance of Kymlicka's argument.

23 Kymlicka, *Multicultural Citizenship*, 184.

citizen identities,[24] treating Quebeckers as bearers of prediscursively formed and opposed national identities in a manner which can only be resolved by incorporation or secession. The logic of liberal rights is unable to theorise the relation between identity and citizenship other than in terms of integration or division. This limitation of the political imagination applies as much to Kymlicka's expansive theory – where the principle concern remains that of stability rather than identity – as it does to more limited conceptions of rights, although Kymlicka's keen appreciation of the difficulties posed by multiculturalism certainly marks an advance in the discussion of liberalism and pluralism.

Noting that the convergence of political opinion in Quebec has not diminished the intensity of debates surrounding culture and language, Kymlicka concedes that common political values are often insufficient to sustain the level of solidarity required by a stable liberal regime. In Rawlsian terms[25] an overlapping consensus of citizens on the regulative principles of political liberalism, even if attainable, may well prove inadequate to secure the stability of the well-ordered society. This impasse can only be overcome through the development of more cohesive forms of cultural and political identification, but because Kymlicka has already defined and opposed identities in Quebec (and places like it) as products of 'history, language, and maybe religion...precisely the things which are not shared in a multination state'[26] the analysis is unable to proceed to consider how effective citizen solidarities might be fostered and consolidated.

If multicultural states are marked by a plurality of identities and identity claims, and if, as Kymlicka's theory insists, stability requires a dominant identity which is simultaneously homogenous *and* expansive, the prospects for either multiculturalism or liberal individualism are bleak. Given that the former is, as Rawls proclaims, a 'fact', and the latter a normative theory, it is safe to propose that rights-based individualism faces greater difficulties than cultural pluralism. Perhaps unwittingly Kymlicka implies as much when he briefly but favourably evaluates Taylor's discussion of the Quebec situation. Rejecting the definition of a narrow socio-historical-linguistic construct as *the* model of Canadian identity, Taylor offers an interpretation of Canada as an 'experiment in deep diversity'[27] to which a number of ways of allegiance and belonging are possible. Rather

24 Kymlicka, *Multicultural Citizenship*, 185-6. 'claims to self-government are here to stay, we have no choice but to try to accommodate them...[but] it is difficult to see why liberals should automatically oppose peaceful, liberal secession...secession need not harm individual rights.'

25 To which Kymlicka does not, as often in *Multicultural Citizenship*, revert here.

26 Kymlicka, *Multicultural Citizenship*, 189.

27 The emphasis on diversity is explicit throughout Taylor's writings for over a quarter of a century. See e.g. *The Pattern of Politics* (1970), Ch. 6; 'Why do nations become states' (1979); 'Shared and Divergent Values' (1991), and 'Impediments to a Canadian Future' (1992). All reprinted in Taylor, *Reconciling the Solitudes*.

than opposing minority groups, or viewing them as a threatening presence, a model of diverse but complementary identifications pluralises the concept of citizenship in a manner appropriate to a genuinely multicultural society. Recognising and valuing diversity as a good bound up with the idea of Canada does not solve at a stroke problems such as that in Quebec. It does however offer a platform for deliberation which draws upon the pluralistic and inclusive aspects of identity in Quebec and greater Canada, avoiding from the outset the false dichotomy of assimilation or secession.[28]

The concept of diversity which Taylor invokes is more profound than a 'belated acceptance of difference'.[29] Tolerant indifference is not sufficient to generate or sustain the identifications and sense of belonging which contribute to a viable (multi)national identity. The task presented by Canada and addressed by the project of 'deep diversity' is a paradigm instance of the multicultural problematic: the need to simultaneously identify and differentiate citizens in a manner which recognises and incorporates difference as a substantive element within a reflexive and coherent identity. A flourishing multicultural society must negotiate the ostensibly incompatible demands of commonality and difference, avoiding the extremes of unsustainable uniformity associated with individualism and universalism, without succumbing to the cultural particularism and epistemic parochialism which can accompany the excessive valorisation of 'otherness' as a philosophical category, rather than a practical aspect of identity.

Philosophical analysis and interpretation can identify and articulate the resources of a viable pluralist culture, but cannot create them. The bases of a successful multiculturalism are present, albeit perhaps latently, in Taylor's Canada. That the arguments over national identity are so intense and protracted offers evidence, he suggests, of persistent loyalties and sentiments of belonging. The idea of Canada, and the identity coextensive with that concept, is 'no longer linked *a priori* to a certain vision' but national unity remains the 'hub of controversy.'[30] If it were otherwise then the break-up countenanced by Kymlicka would not only have already occurred, but would have done so without the protracted and extreme debates surrounding recent ballots.[31]

28 The extent of the diversity and multiculturalism (rather than biculturalism) in Quebec is emphasised by Louis Balthazar, 'Identity and Nationalism in Quebec', in James Littleton (ed.) *Clash of identities: media, manipulation, and politics of the self* (Eaglewood Cliffs, N.J., Prentice-Hall, 1996). I am indebted to Mark Passera for this reference.

29 Taylor, 'A Canadian Future', in *Reconciling the Solitudes*, 26.

30 Taylor, 'Institutions in National Life', *Reconciling the Solitudes*, 129-30.

31 The result of the October 1995 referendum, when 50.5% of Quebeckers voted to remain within Canada, may well attest the strength of feeling described by Taylor, but perhaps calls into question his contention that unity is the 'hub of controversy'. Votes also occurred took place in 1980 and 1992, when respectively 56.7% and 59.6% of the electorate voted against secession. Results from the office of *Le Directeur Général des Élections du Québec*, Montreal. http://www.dgeq.qc.ca/.

Furthermore, whilst the breakaway of Quebec might, in the short term at least, resolve some of the issues surrounding the survival and flourishing of Quebec as a French-speaking society, in adopting a territorial model of national sovereignty and unity such a move would not actually address the question of pluralism. The institution of a independent Quebecois polity might delay the issue, but it would in time inevitably face the difficulties posed by multiculturalism, and find itself no more able to engage with them positively than the Canadian federation is at present.

This inability is at least in part attributable to the conventional (broadly liberal) conception of nation and citizenship, which operates according to a model, labelled 'first level' by Taylor, where diversity is tolerated within the boundaries of an identity defined in terms of universal citizenship. Under the conditions prevalent in Canada (and either present or developing elsewhere) what is required instead is a form of equality without homogeneity, accommodating - but not narrowly assimilating - deep ('second-level') diversity and allowing that 'a plurality of ways of belonging would also be acknowledged and respected...a Québécois or a Cree or a Déné might belong in a different way.'[32] The idea of different but equally legitimate modes of identification involves a transformation of the 'first-level' conception of unity as uniformity. In its place Taylor advances an 'asymmetrical form of federalism'[33] which responds to the claims of deep diversity by effecting the recognition and affirmation of personal and group identities (not only of aboriginal and French-speaking peoples, but also those of, e.g., European and South Asian extraction) as part of Canada, however varied those identities and cultures might be, within an expansive ('mosaic') conception of citizenship.

For Taylor, the concept of recognition is imbued with a semantic depth far exceeding its formal usage in procedural and legal-constitutional theories. 'We may be "recognized",' argues Taylor 'as equal citizens, or rights bearers, or as being entitled to this or that service - and still be unrecognized in our identity...what is important to us may be quite unacknowledged, may even be condemned in the public life of a society, even though all our citizen rights are fully guaranteed.'[34] Although the existing federal structure accords Quebec equal constitutional status amongst the ten states which constitute Canada, the cultural silence identified in Kymlicka's theory, but by no means limited to his formulation of liberalism, precludes a thoroughgoing appreciation and

32 Taylor, 'Shared and Divergent Values', 182-3. The development of assymetry in the granting of self-government priviliges to native peoples is discussed by Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (BBC/Chatto and Windus, London, 1993) 126 f.

33 Taylor, 'Reply and re-articulation', 253-4.

34 Taylor, 'Impediments to a Canadian future', 190.

validation of the differences as well as the similarities obtaining between it and mainstream Canada.

Claims for the recognition and affirmation of differences which transgress established but often outmoded models of uniform citizenship explicitly engage aspects of multiculturalism beyond the scope of conventional liberal constitutionalism. Although well placed to accommodate the claims of moderate, reasonable individuals, liberalism is conceptually unable to coherently comprehend – much less respond to – the needs of group, culture, national and ethnic identities which conflict, coexist and overlap within modern societies. Taylor argues that a vocabulary of rights typically enframes appeals for recognition in terms of protest and denial, for example against discrimination, exclusion, and inequality. The language of liberalism is however complicit in the problem of pluralism and does not (as the case of Kymlicka demonstrates) readily afford the means for its resolution. In representing the claim for recognition as a protest against discrimination,[35] or (in the case of Quebec) a demand for a right of self-determination, articulation in the idiom of individualism can distort or even suppress the animating concerns of political claims to the extent that their basis in recognition is no longer apparent.

Demands for recognition manifest politically aspects of the dialogical conception of the self outlined in chapter four. An adequate response requires more than a formal or juridical equality of treatment, and more than the granting of exceptional minority rights which upon examination remain firmly located within the tradition of individualism. Were that not the case then the 1982 Charter of Rights and Freedoms would, as hoped, have satisfied the demands of *all* Canadians and defused the present constitutional crisis in its early stages.[36] Rather than being satisfied, the claim of cultural recognition is submerged in a discourse of equal treatment and rights. This discourse, although arguably indispensable in areas of jurisprudence where equality of treatment is genuinely at issue, is insufficient to cope with the *political* needs of groups and persons whose identity does not

35 Taylor, 'Impediments to a Canadian future', 193-5. Taylor identifies three concurrent discourses in the arguments over separatism: the powers of jurisdiction required to preserve Quebec as a 'distinct society' (i); the dangers posed to the 'distinct society' by the existing federal structures (ii); the 'perception of recognition denied, the sense that one's group counts for nothing...a Quebec independentist might be defined as one who has utterly given up on seeking recognition from the Canadian partner' (195).

36 'By granting a schedule of linguistic rights in a symmetrical fashion...[Trudeau] sought to foster a greater and unmediated allegiance to Canada as a political community, over and above provincial and regional commitments.' Guy Laforest, 'Philosophy in a multinational federation', in Tully, *Philosophy in an Age of Pluralism*, 196-197. Alone amongst the provinces, Quebec has to this day failed to ratify the Charter. Although Quebec did accede to the Meech Lake Accord, wherein it was accorded a right of existence as a distinct society, Meech Lake also failed due to ratification difficulties.

coincide, and hence feels threatened, by attempts to establish and impose a uniformity which is perceived to be 'incompatible with a recognition of a distinct society.'[37]

The reinterpretation of (some) rights claims as demands for recognition is bound up with the theorisation of a deliberative conception of politics emphasising the formation, articulation and recognition of cultures and identities in multicultural contexts. Developing the idea of politics as a public and intersubjective activity, this conception – although by no means 'antiliberal' in any pejorative sense of the term – is able to discern *as political* forms of agency regarded by the narrow cultural scope of normative individualism as germane only to private or, following Rawls, 'nonpublic' spheres. Kymlicka and Taylor concur in the judgement that an enduring democratic society requires a strong measure of citizen solidarity,[38] but Kymlicka's scheme of concepts and categories is unable to account for even the possibility of *rapprochement* in a situation of cultural antagonism such as that in Quebec. In contrast a hermeneutic approach attempts, through deliberative engagement, to reinterpret citizenship in an inclusive manner which accounts for and values difference, rather than privatising or alienating the beliefs and practices of plural and minority groups.

This reinterpretation addresses the possibility of an asymmetric federalism noted above. The formulation of a social identity with sufficient resources to differentiate and recognise multiple constitutive elements, and simultaneously capable of relating those elements coherently within a recognisable and relevant account (or set of compatible accounts) of selfhood, is a challenging but inescapable undertaking. In challenging conventional understandings of universal citizenship, it also challenges and reframes the idea of the political. Taylor suggests that the pluralism at the root of the Canadian impasse can be transformed into the basis of a renewed conception of citizen identity. 'Canada is a natural locus for the experiment in the dialogue society',[39] he argues, where the negotiation of goods and identities (as well as rights and obligations) furthers the recognition of commonality *and* difference in the course of a pluralist and democratic politics which neither imposes nor prefigures the outcome of public deliberation.

The possibility of a multicultural identity itself presupposes a commitment to diversity on the part of its holders, in order to foster and reproduce '...the common understanding...that there was more than one formula for citizenship and where we could live with the fact that different people related to different formulae.'[40] The production

37 Taylor, 'Impediments to a Canadian Future', 194

38 Taylor, 'Impediments to a Canadian Future', 197, 'a democratic society needs a sense of common citizenship.'

39 Taylor, 'A Canadian Future', 27

40 Taylor, 'Impediments to a Canadian Future', 197-9.

and reproduction of this, as with all identities, is in large measure circular. As such it is clearly more demanding than schemes of either *modus vivendi* or overlapping consensus, but given the inadequacy of those doctrines the significance of such a comment as critique is negligible; explanatory circularity is not only inescapable, but can be virtuous rather than vicious.

The strength of the claim that a commitment to 'deep diversity' and multiculturalism can itself become a source of identity is a difficult one to assess. Given that the absence of such commitment in part defines the situation in Quebec, the resonances which Taylor attaches to the concept of diversity are difficult to identify 'on the ground'. However, some measure of identification with the project of diversity is clearly a requirement of any successful pluralist society, and although by no means overwhelming, recent developments in Quebec attest to the immanent presence of tendencies indicating that the concept of asymmetry is a response which is certainly plausible, and in the long term perhaps the only practical solution to the constitutional crisis. Rather than discussing secession in terms of total independence, in the aftermath the 1995 referendum the Parti Québécois leader Lucien Brouchard has broached the possibility of a sovereign Quebec – i.e. a 'distinct society' – 'within the framework of a continued political and economic association with Canada.'[41] Such suggestions are controversial but, although oblique, do advance the possibility of a transformation of existing structures in accord with Taylor's proposal of a differentiated multicultural federalism.

Kymlicka agrees that in emphasising diversity 'Taylor is pointing in the right direction.'[42] He makes the passing critical comment that a commitment to diversity is the product of solidarity rather than a basis for it, but – as with the question of circularity – the critical force of this claim is elusive once the liberal model of identification with a dominant culture is discarded. More important is the extent to which Kymlicka's conclusion – that liberal theory has failed to identify the sources of unity in a democratic multination state[43] – bears out the veracity of the hermeneutic critique of contemporary liberal individualism and its supporting methodologies. The Canadian example helpfully documents these limitations as a pressing practical as well as philosophical matter.

41 'Quebec separatists loath to follow the leader', *The Guardian*, January 27 1997. The Parti Québécois is reported to be divided between hardline secessionists, and those looking to redefine the relation obtaining between Quebec and the other provinces as a continuing partnership. Moreover, the formation of an agreement acceptable to all the provinces is – as the failure of Meech lake demonstrated – a further complicating factor.

42 Kymlicka, *Multicultural Citizenship*, 191.

43 Kymlicka, *Multicultural Citizenship*, 192.

As noted earlier, the substantive, goods-oriented characterisation of the Quebec situation does not establish a clear resolution in the form of, e.g., a legislative programme, final judgement, or system of institutions. The activity of interpretation is more likely to reveal the complexity of political disputes than to neatly define appropriate outcomes. The problems which beset Kymlicka's attempt to reconcile multiculturalism with a theory of rights underscores the previously established 'limits of liberalism', and makes clear the requirement for an approach which is able to comprehend dimensions of contemporary experience which Kymlicka acknowledges, but which overwhelm his theory of multicultural citizenship. The immediate extent of the progress made by the interpretation advanced here should not be overstated, but neither should its limited efficacy be considered a weakness. To expect theory to define or impose a 'solution' to the 'problem' is to ask for more than can be plausibly delivered. A philosophically informed approach theorises conflict less reductively, and may offer a more secure starting point for constructive deliberation, but can and should not predetermine the outcome of democratic political processes. The contingencies and particularities of context and identity which Rawls fails to overcome by methods of abstraction and avoidance render the results of political deliberation and action unpredictable.

The practical implications of this critique are however by no means purely negative. The chastening of the claims of normative liberalism opens up the possibility of a politics consistent with the philosophical anthropology developed previously, which in turn demands the political theorisation of (salient aspects of) interpretive contexts. This approach proceeds with an idea of the self as an inherently complex entity, a critical and reflexive agent situated, but not simply determined, within a range of social and cultural practices, institutions and meanings. Within and against these contexts the deliberation, agency and evolving self-understanding of the subject, conceived as a participant with others in the construction of his own identity, becomes intelligible on a level unavailable to normative theory.

Consideration of conceptions of the good before the principles of right which they motivate is bound up with a substantive conception of politics. The focal role accorded to goods allows the proliferation of potentially incongruent conceptions of the good – involving language, tradition, class, belief, and interest, as well as more elevated higher order goods – and forms of life as (part of) that which is articulated and examined in the course of interpretive practice. As the instance of Quebec illustrates, however, hermeneutics cannot transcend conflict by submerging pluralism under principles of rationality, impartiality, or reasonableness. Derived from the priority of right, such

strategies evade the arguments which they purport to address: the conception of 'rights as trumps'[44] traded upon a poor metaphor from the outset, and as a mode of addressing the complexities of multiculturalism it is eminently unsuited to its subject matter. The remainder of this chapter is devoted to the identification and elaboration of key concepts which further the development of hermeneutics as political theory, and which demonstrate the advantages of an interpretive approach to questions concerning identity, pluralism and democracy.

[3] Theorising 'Community'

The example of Canada illustrates the extent to which the so-called 'liberal-communitarian debate' is misunderstood when treated as a brute clash of political standpoints. The opposition of individuated and situated subjectivities, or of constructivist and interpretive methods, does not support a simple distinction between 'liberalism' and 'communitarianism' as positions of political advocacy. Issues of policy are of course at stake, but not in the form of an either/or choice between liberal and non-liberal political systems. This is not to deny that aspects of the works of Taylor and Sandel (amongst others) are intensely political, but does draw attention to the fact that the revival of communitarian thought perceived in their writings has not included a systematic formulation of hermeneutics *as political theory*. In the vague sense in which the term is commonly invoked, 'communitarianism' is more accurately identified as a critical stance towards the claims of normative liberal individualism as theory and in practice, occurring in the works of authors who can be identified in terms of family resemblance but not as advocates of a common philosophical or political view. Attempts to treat 'communitarianism' as a fully formed philosophy standing in direct contradiction to established liberal doctrines are, as was seen earlier, neither accurate nor coherent.

As Alan Ryan amongst others[45] has observed, liberty and community are consistent and often compatible preoccupations throughout modern political thought.

[44] More fully, 'rights are political trumps held by individuals [when] a collective goal is not a sufficient justification for denying them what they wish'. Ronald Dworkin, *Taking Rights Seriously* (2nd ed., London, Duckworth, 1978), xi. The slogan is possibly germane as a defence of personal liberty against crude utilitarian cost/benefit calculations, but the Benthamite dragon was long slain before Dworkin's supposedly fatal blow was struck.

[45] Alan Ryan, 'The Liberal Community' in John W Chapman and Ian Shapiro (eds.) *Nomos XXXV: Democratic Community* (New York, New York University Press, 1993), 91-114. Simon Caney, 'Liberalism and Communitarianism: A misconceived debate', *Political Studies* XL (1992), 273–289 assembles a variety of quotations from canonical figures to this effect. Furthermore, in 'Cross Purposes...', 159, Taylor identifies Sandel, MacIntyre and Walzer, but *not* himself, as communitarians, before commenting at 163 that the labels '"liberal" and "communitarian" will probably have to be scrapped before we can get over' this misunderstanding of the debate.

Paradigmatic liberals such as J.S. Mill, for example, exhibit considerable concern with the relation of community, and his idealist contemporaries Green and Bradley accorded similar weight to the claims of personal liberty. Furthermore, despite lacking the conceptual resources to deal with it adequately both in part three of *Theory* and subsequent writings, John Rawls undeniably acknowledges the importance of community to any viable political theory. Ryan goes so far as to describe *Sources of the Self* as 'an ornament of communitarian liberalism,'[46] and setting aside the decorative value of Taylor's work this comment is certainly correct in that it would be wholly inaccurate to associate him with any form of reactionary or illiberal politics. These observations defuse the tendency to regard 'liberty' and 'community' as antonyms, and undermine the temptation to view communitarianism as a systematic scheme of concepts, institutions and policies which might simply substitute for a discredited liberalism.

Taylor explicitly states that the outcomes of political interpretation and analysis are underdetermined by any particular anthropological view. Reflexive hermeneutics enframes political phenomena within an integrated and coherent methodology which serves to 'structure the field of possibilities'[47] but does not establish the conditions or results of political discourse prior to its commencement. Practices of interpretation consistent with this approach occur along a continuum described by two exemplary types, comparable with the distinction of anthropology from advocacy. The first, and the primary focus of this discussion, involves the working out of a *metatheoretical* outline of political concepts, structures and practices consistent with the realisation of the self as a situated, engaged, and intersubjective entity. The generality of this outline is entirely appropriate to its role as part of the constitutive background to instances of the second model, that of *applied* or concrete interpretation, which might involve a level of particularity and detail comparable with that of documentary or reportage.

The boundary between the two models is difficult (if not impossible) to establish with precision. After the rejection of Archimedean ambitions the question of how much or little detail is either required or desirable in any particular instance itself becomes part of that interpretation. The absence of detailed consideration of particular traditions, practices and identities within the recent 'communitarian' literature – which insistently calls attention to the embodied, contextual character of human experience – is however noteworthy. Almost all of the works considered in this essay can be uncontroversially identified as metatheoretical: a distinctive facet of the debates has been the

46 Ryan, 'The Liberal Community', 100.
47 Taylor, 'Cross Purposes...', 161.

overwhelmingly ahistorical quality of the literature involved.[48] This is unsurprising given that in challenging a firmly established body of theory, the critics of rights-based individualism were required on pain of relevance to advance their concerns in a style appropriate to the philosophy which they sought to undermine. The 'communitarian critique' is hence not susceptible to criticism on account of its metatheoretical character, as the relationship between abstract and concrete aspects of the interpretive enterprise only appears incongruent from a perspective which presumes that a satisfactory theory should assume (or be amenable to statement in) the form of a normative treatise.

At both abstract and applied levels an interpretive approach is unlikely to eventuate in such a theory. Metatheoretical concepts and methods can only inform political deliberation and action, which are the critical focus of the applied level of investigation. This indeterminacy accounts at least in part for the absence of a definitive statement of hermeneutics as either philosophical 'grand theory' or at the detailed level of applied interpretation. In the first instance a theory prescribing unimpeachable principles of reason and morality, and the form of their systemic and institutional realisation, seems certain to either confuse or transgress the boundary between anthropology and advocacy. At the second level the particularity involved entails that, although indebted to the theory of interpretation at a methodological level, no single instance of applied analysis can be canonical. Interpretations can of course be more or less compelling, offering better and worse examples of their genre. However, the intrinsically situated character of interpretation rules out the possibility of simply transplanting the results of one analysis upon a different culture or context. To do so would inescapably and erroneously dissociate interpretation from context.[49]

A further possibility is that of a 'communitarian' theory which is not informed by interpretive methodology. Amitai Etzioni's sociological discussion is a case in point, supporting an advocacy position which might be labelled 'communitarian' but which

[48] Most spectacularly, Alasdair MacIntyre provides a dense and captivating account of the virtues from the presocratics to Aquinas in four chapters (10-14) of *After Virtue*, an analysis which is almost wholly conceptual in form and content. Michael Walzer's illustrates his *Spheres of Justice* by means of a series of historical and anthropological vignettes, but these are not clearly integrated with the theoretical body of the text. *Sources of the Self*, as with much of Taylor's earlier writing offers a resolutely *philosophical* account of key aspects of modern identity. See in particular Ch. 12, where Taylor explains that rather than offering an explanation of traditions of thought, conceptions of identity, etc., *Sources of the Self* is a historical investigation of ideas which are embedded in practices, and exist in complex relations to them, rather than a direct account of the development of practices themselves.

[49] Tariq Modood highlights this danger in his review of *Multicultural Citizenship*, writing that 'Kymlicka's achievement is in putting culture, nationality and minorities at the centre of liberal theory...I fear, however, that it will be enthusiastically taken up by British theorists who lack an understanding of British multiculturalism. By discussing our concepts in Canadianised terms they will then offer us inappropriate concepts and policies.' *The Political Quarterly* 67 (1996), 378.

cannot be accurately identified as a hermeneutic theory. Etzioni's *Spirit of Community*[50] makes a series of inchoate proposals which promise to regenerate American civic life through the fostering of 'community' in families, schools and organisations such as 'community policing...local churches [and] museums...Communities congeal around such institutions.'[51] Most remarkable is the apparently straight-faced suggestion that '[a] year of national service after high school could be the capstone of a student's educational experiences.'[52] Etzioni's sociological critique and transiently fashionable populist political platform–cum–movement offers a position which is undoubtedly a form of 'applied communitarianism.' However, the air of compulsion surrounding his programme – which bears an extremely tenuous connection to the methodological issues which are the major concern of this essay – seems more likely to engender resentment than solidarity, further damaging the sources of value which it purports to regenerate.

Examples of interpretation which, although fleeting and provisional, are more helpful in illustrating the differences between abstract and applied levels, are present in the works of Taylor, Sandel, and perhaps surprisingly, Will Kymlicka. *Multicultural Citizenship* is not concerned with the philosophical detail of either anthropology or interpretation, and is – perhaps in consequence – unsuccessful in its attempt to refine and defend the theory of minority rights. These difficulties notwithstanding, Kymlicka's discussion deploys a wealth of detailed information in a telling manner which demonstrates the possibility of an interpretation which *does* successfully integrate the concerns of theory and method with the particularities of history, language and culture. In a related fashion some of Taylor's contributions to debates in Canada, although less detailed than Kymlicka's book, address quite specific political issues through a perspective informed by both philosophical sophistication and personal experience.[53] It should however be emphasised that these contributions amount to a fraction of Taylor's extensive writings.

The third and initially most promising author under consideration here is Michael Sandel. Towards the end of *Liberalism and the Limits...*, Sandel's discussion of the constitutive role occupied by community in the formulation of identity intimates the

50 Amitai Etzioni, *The Spirit of Community*, (London, Fontana, 1995)

51 Etzioni, *The Spirit of Community*, *sic*, 135.

52 Etzioni, *The Spirit of Community*, 113.

53 This is particularly so in the case of 'Alternative Futures: Legitimacy, Identity, and Alienation in Late–Twentieth–Century Canada', and 'Shared and Divergent Values', respectively chapters 4 and 8 of *Reconciling the Solitudes*. It is also notable that almost all the pieces collected in that book were originally addressed to public fora (business councils, commissions of inquiry and popular media) as well as to a more narrowly academic audience. *The Ethics of Authenticity* (Cambridge, MA., Harvard University Press, 1991) is an amended transcript of public talks originally transmitted nationally by the Canadian Broadcasting Corporation.

possibility of a political theory which encompasses the insights of philosophical anthropology and also articulates an alternative social order to that envisaged by contemporary liberalism.[54] These unguarded comments anticipate a developed political philosophy which extends beyond the remit of *Liberalism and the Limits...*, but undoubtedly implies that such a theory is possible (if not imminent). Sandel's subsequent minor writings[55] did not discourage such a reading, but – as the subtitle makes clear – his recent *Democracy's Discontent*[56] does not fulfil that promise, describing an America 'In Search of a Public Philosophy' where one might instead hope to discover a compelling statement of that philosophy. *Democracy's Discontent* extends and reinforces the critique of *Liberalism and the Limits...* through detailed readings of constitutional and economic history which contend that the development of America as a 'procedural republic' marks a comparatively recent and aberrant transformation of political discourses which, during the period of the 'national republic'[57] were organised around collective goods and citizen virtues, seeking 'a public good beyond the play of interests on terms consistent with the heightened democratic expectations of their day.'[58]

Formally structured around deontic rights and individual self-interest, contemporary American political life clearly stands at some remove from this early ideal. Sandel's examination of the role of constitutional and economic discourses in the production and erosion of the institutions and practices of public life is consistently

[54] Sandel, *Liberalism and the Limits...*, 172 ff. See especially p. 173, where Sandel writes of a society 'ordered in a certain way, such that community describes its basic structure and not merely the dispositions of persons within the structure...community must be constitutive of the shared self-understandings of the participants and embodied in their institutional arrangements.'

[55] In particular 'The Procedural Republic and the Unencumbered Self', *Political Theory* 12 (1984), 81-96, which restates the critique of Rawls in the form of an analysis of the 'procedural republic' and its alleged consequences, the erosion of democracy and community in the United States, and 'Democrats and Community', *The New Republic*, February 22 1988, 20-23, which concluded with the prophecy that 'A public philosophy of self-government and community would reclaim [the most potent resources of American politics] and enable Democrats to resume their career as the party of moral and political progress.'

[56] Michael J. Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge, MA., Harvard University Press, 1996).

[57] Extending roughly from the time of Jefferson's presidency (1800) to the era of the New Deal (1932-68) during which the principles and practices of proceduralism gradually gained a hold which, according to Sandel, became dominant as a mode of politics with the development of modern fiscal policies (symbolically identified in America with Kennedy's tax policies) which, rather than promoting particular or collective goods, viewed economic policy as an instrument of control which was (and is) appealing due to its 'neutrality with respect to competing political ends.' Sandel, *Democracy's Discontent*, 265. This perspicacious interpretation is, I think, very helpful as a means of understanding the convergence of opinion throughout industrialised economies on the appropriate ends of macroeconomic policy. It is widely observed, for example, that there is little if any difference in the primary economic ambitions of the major parties in the UK, which converge on a preference-neutral model of personal choice, opportunity and consumption. Issues of investment, employment and narrowing inequality no longer function as competing dominant ends in economic debates, which are impoverished by the dominance of the neutral monetarist paradigm.

[58] Sandel, *Democracy's Discontent*, 166.

diverting and, as a philosophically informed historical study of liberalism and democracy in America, of considerable importance. Unfortunately, his critical interpretation terminates at the point where its political significance becomes most acute, at the end of the era defined by the formative ambitions of Roosevelt's New Deal.[59] Constructively, *Democracy's Discontent* merely offers a restatement of familiar criticisms weakly augmented by the claim that a 'recrudescence of virtue'[60] is discernible in the popular rhetoric bemoaning the decline of community and civic life in America.[61] Sandel further identifies a supposed 'revolt against the procedural republic'[62] evidenced by piecemeal instances of a revival in the 'political economy of citizenship'[63] which are generalised to constitute evidence of civic renewal in a manner more closely aligned with the sociological tradition represented by Etzioni[64] than with a coherent philosophical position (be it anthropological or otherwise).

Sandel's republican ideal envisages the 'space between persons' occupied by public institutions including 'townships, schools, religions, and virtue-sustaining occupations,' where freedom finds 'democratic, pluralist expression.'[65] The historical detail deployed in support of this interpretation of America as the procedural republic is entirely appropriate, but in the absence of further development Sandel's proposals remain in a historical and conceptual limbo – in thrall to the philosophy which they repudiate – and in consequence the significance of his suggestions and their role within the public philosophy he anticipates is extremely obscure. To take the above example, ideas of community, public space, pluralism and democracy receive no critical consideration outside the historical narrative. Exploration of these ideas which deliberates their

59 Although pp. 305-15 discuss Carter and Reagan, they do so in order to demonstrate (305) that 'their presidencies did little to change the conditions underlying the discontents they tapped as candidates' (dissatisfaction with the perceived extent and incompetence of government and its institutions). The brevity and superficiality of Sandel's comments here sharply contrast with his discussions of figures such as Hamilton, Jefferson, Roosevelt and Brandeis.

60 Sandel, *Democracy's Discontent*, 324.

61 Widely documented in, for example, Etzioni, *The Spirit of Community*, which draws heavily on reports from press and popular media in the US. See also Bret Stephens, 'America basks in the glow of virtue rediscovered', *The Times*, 5 September 1994, and Melissa Healy, 'New money, old values', *The Guardian*, 8 January 1997.

62 Sandel, *Democracy's Discontent*, 337.

63 Sandel, *Democracy's Discontent*, 333-7. Sandel mentions Community Development Corporations, opponents of commercial developments (such as shopping malls) which undermine local infrastructures, a town planning movement called 'New Urbanism', and an umbrella group, Communities Organised for Public Service. Although doubtless laudable in their own right, these slight examples offer scant support of either a revival or revolution in the fortunes of republicanism.

64 A populist tradition which can be traced back to Ferdinand Tönnies, *Community and Society*, trans. Charles P. Loomis, (New York, Harper and Row, 1957), but which originates most clearly in American academia with Robert Nisbet, *The Quest for Community: A Study in the Ethics of Order and Freedom* (Oxford, Oxford University Press, 1953).

65 Sandel, *Democracy's Discontent*, 320-21.

contemporary meanings and uses, their relevance to ongoing debates, and the political possibilities which they connote, is required if Sandel's proposals are to acquire a force beyond that conferred by history and rhetoric. In the absence of this undertaking the exhortation that American republicanism can best find democratic and pluralistic expression through the renewed cultivation of federalism finds its clearest philosophical basis in de Tocqueville, and the priority which Sandel accords *Democracy in America* is telling. *Democracy's Discontent* ultimately offers an elegy for a lost republic, rather than a meaningful statement of a political philosophy addressing the inadequacies so powerfully illuminated by Sandel's critique of deontology and its consequences.

Because Sandel's analysis does not develop the conceptual resources required to extend the insights of history and philosophy in a politically compelling manner, his concluding proposals are only able to 'gesture...toward the kind of political debate that would accord greater attention to republican themes.'[66] These weaknesses demonstrate the need to formulate political concepts in a manner consistent with the interpretive methodology elaborated earlier in the discussion. This involves the clarification of themes and concepts which recur throughout debates concerning (amongst other issues) democracy, deliberation and identity. The first concept to be considered here is that of 'community', most clearly identified with speech and language by Taylor, but also amenable to association with a wide range of attributes engaging aspects of time, space and culture. The selection of 'community' as a starting point is not strictly necessary and does not involve the attribution of philosophical privilege or lexical priority, but in the context of this essay the choice is far from being arbitrary. The dearth of detailed investigation of the term is a consistent feature of both 'communitarian' writings *and* of theorists such as Rawls and Kymlicka – respectively the major focus of and respondent to the critique of liberalism – for whom the concept is only marginally less significant. This general lacuna more than warrants the placing of emphasis upon the term here.

The discussion briefly examines historical and conceptual issues in order to distinguish some helpful and relevant aspects of 'community', and proceeds to develop a metatheoretical outline of related themes and concepts in a manner consistent with the insights and limitations of philosophical anthropology. As such it seeks to establish a coherent position for community within the debates in which it features prominently, and is explicitly *not* a statement of 'communitarianism' as political theory in the comprehensive (or totalising) sense implied, but not realised, by Sandel.

A 1955 survey cited by Raymond Plant identified ninety-four definitions of 'community' and claimed that 'the only feature they had in common was that they all

66 Sandel, *Democracy's Discontent*, 324.

dealt with people!'[67] Rather than being conceptually dominant, 'community' typically functions as a recurrent theme rather than a coherently formulated solution to perceived social and political problems. It is complex and densely packed with meaning, and as such must be questioned and investigated as a contested concept which is also a site of ongoing public political debate. The contestation and negotiation of meaning is a central aspect of political thought and action, and a stable or definitive account of 'community' is neither to be expected nor desired. Historical and conceptual investigation can however clarify the range of indeterminacy involved, aiding in turn the formulation and evaluation of political possibilities.

The connection advanced in *Democracy's Discontent* between civic republicanism and communitarianism is far from accidental; the two are often regarded as coextensive.[68] In particular the historical significance of Rousseau and Hegel to modern usage of the term is decisive. Inspired by Hellenic ideals of *polis* and *koinoniai*, both recognised that the time of Athens and Sparta had irretrievably passed and developed in their stead forms of social relation which largely enframe modern understandings of community. Motivated by his thorough critique of and alienation from the inauthentic culture of *ancien regime*, enlightenment and encyclopaedia, the society depicted by Rousseau in *On Social Contract* intricately links ideas which are central to modern conceptions of community. Personal liberty is established as a social condition marked by mutual interdependence exercised in collective but impersonal assemblies, where the reconciliation of individual and collective famously predicates the freedom of each upon the freedom of all. The sense of interdependence and common purpose so created consolidates a social bond which is manifested and reaffirmed by the 'civil religion' of the polity, a creed which expresses the common identifications of the citizenry – professing virtues of justice and patriotism, the sanctity of the contract and laws, the value of tolerance – and reinforces the sense of social unity which Rousseau sought to establish under the general will.[69]

Rousseau exerted a profound influence on the thought of Immanuel Kant,[70] and also upon his greatest commentator.[71] Hegel's critique of Kant's conception of autonomy

67 Raymond Plant, 'Community: Concept, Conception and Ideology', *Politics and Society* 8 (1978), 79–107.

68 e.g. Adrian Oldfield, *Citizenship and Community: Civic Republicanism and the Modern World* (London, Routledge, 1990), Ch. 7.

69 Jean-Jacques Rousseau, *The Social Contract and Discourses*, trans. G. D. H. Cole, rev. J. H. Brumfitt and John C. Hall (London, J. M. Dent, 1973), esp. 3-26, 173-178, 247-278.

70 The categorical imperative can be viewed as a universalised and systematic formulation of Rousseau's insight that freedom and morality can be reconciled consistent only if, when undertaking moral obligations, persons act in accordance with their authentic will. Hans Reiss notes in his introduction to Kant, *Political Writings*, p.4., that 'Rousseau had taught him to respect the common man; he was for him the Newton of the

as inadequate and one-dimensional is central to the theorisation of community in the *Philosophy of Right.*[72] Setting aside methodological issues involving speculative logic and dialectical necessity, Hegel's unarguable political significance resides in his anticipation of the emergent problems faced by developing industrialised mass society – of subjectivism, alienation, and the creation and satisfaction of proliferating needs[73] – which he systematically addressed in a political philosophy which sought to identify and reconcile potentially antagonistic social and economic forces.

Hegel's unfolding logic tracks the development of free self-consciousness through Abstract Right, the dialectical process of intersubjective recognition, and the legal framework of *Moralität.*[74] These function as essential but incomplete determinations of the concept of freedom, which are preserved but superseded in the theorisation of *Sittlichkeit,* ('Ethical Life') the concrete morality of a rational social order. The composition of *Sittlichkeit* presents the family, civil society and political state as core social and institutional forms, which differentiate and relate a range of roles in which self-consciousness attains realisation in processes of identification and participation. The categories and divisions[75] distinguished by Hegel are largely irrelevant to modern societies, but the structural outline contributes significantly to the idea of community. Identity is realised through the willing identification of the individual with interests and values associated with positions (e.g. of family, class, profession and citizen), which are distinct moments within the state, conceived as an integrated social entity rather than an amorphous aggregation of individuals or a bureaucratic-administrative construct. Freedom and ethics so emerge as an achievement of agency, manifested for example in membership of 'circles of association in civil society [which] are already communities'[76] rather than a happy accident of heteronomous impulse, or of procedural conformity to a model of practical reason.

This brief and uncritical outline is intended only to indicate conceptual themes of scale, locality, identification, membership, integration and differentiation in the works of

moral realm. Rousseau's portrait was the only adornment permitted in his house, and when reading Émile he even forgot to take his customary afternoon walk...'. See also Taylor, 'Kant's Theory of Freedom', *Philosophical Papers II,* 321f.

71 e.g. H. S. Harris, 'Hegel's Intellectual development to 1807', in Frederick C. Beiser (ed.) *The Cambridge Companion to Hegel* (Cambridge, Cambridge University Press, 1993), 25-28.

72 G.W.F. Hegel, *Philosophy of Right,* trans. T. M. Knox (Oxford, Clarendon Press, 1952), §§133-137.

73 Shlomo Avineri, *Hegel's Theory of the Modern State,* (Cambridge, Cambridge University Press, 1972), esp. 148–154.

74 Hegel, *Philosophy of Right,* §§133-137; Hegel, *Phenomenology of Spirit,* trans. A. V. Miller. (Oxford, Clarendon Press, 1971),§§430-439.

75 Of Corporations, bureaucracy and landholders. Hegel, *Philosophy of Right,* §§202-205, §§250-256.

76 Hegel *Philosophy of Right,* §303R.

Rousseau and Hegel, which are a constant presence in later discussions of community within political theory and cognate disciplines.[77] In the sociological literature noted earlier, for example, Tönnies's characterisation of *Gemeinschaft* invokes a similar set of considerations in order to distinguish the community of natural will from the *(Gesellschaft)* rational society of universal competition and bourgeois commodification. In turn Nisbet's *Quest for Community* argued that principal locations of 'community' – in family, locality, religious and voluntary organisations – were undermined in the development of modern individualism and the centralised state.[78] Similar ideas reverberate throughout modern variants of this sociological analysis (evidenced by the case of Etzioni) and are also significant for modern republican political theory.[79] *Democracy's Discontent*, in which Sandel largely follows the sociological model, is another example of this deployment. Taylor's more sophisticated approach is sensitive to the insights of history and social theory – particularly so in the case of Hegel – integrated with methodologies of interpretation and addressing questions of identity and agency through the investigation of linguistic and social practices. The detail and nuance of hermeneutic method is highly significant at this point, resisting the temptation to uncritically invoke or presuppose the coherence of 'community', and neither presupposing nor guaranteeing the resolution of the concept.

[4] Locating 'Community'

The identification of central themes in the history of political thought leaves important concerns regarding the evaluation and location of 'community' unattended. As Raymond Plant notes,[80] to describe a social relation as one of community is typically to offer a favourable assessment of it. The concept resonates with positive sentiments suggestive of shared interests and identifications, interpersonal attachments and solidarity, immediate and direct social membership. It is not a simple antonym of 'state' or 'society'

77 The usage of 'community' can of course diverge from the analysis presented here in disciplines with a different focus. Archaeologists and demographers, for example, might consistently maintain a much narrower interpretation of the term. The detailed investigation of such variations, although undoubtedly of interest as another means of exploring the heterogeneity of language-games, would add little to the discussion of 'community' within the political and philosophical contexts of the present discussion.

78 Tönnies, *Community and Society*, 33-64; Nisbet, *The Quest for Community*, esp. pp. 41-65.

79 For example, Sheldon Wolin *Politics and Vision: Continuity and Innovation in Western Political Thought* (London, George Allen and Unwin 1961), 352f. offers an interpretation of the political theory of the last two centuries as an attempt to restate the human need for community in an 'Age of Organisation'.

80 Plant, 'Community: Concept, Conception and Ideology', 81. This point is reiterated by Raymond Williams, *Keywords*, rev. ed. (London, Fontana, 1976), 76.

but is clearly distinguishable from the formal, abstract or instrumental connotations of such larger social forms, and free from the negative valences carried by those descriptions.

This nexus of sense and meaning discloses the loose normative structure of the term, i.e. the criteria which, present in various configurations appropriate to the circumstances in which they arise, manifest normative judgements – regarding what a 'community' is, or ought, or is generally accepted to be – which are embodied in the concept and expressed in its use, in the sense (or otherwise) it assumes as an instance of language for a particular audience in a particular situation. These judgements are in turn shared (and disputed) by speakers as they formulate and debate the meanings which 'community' holds for them, assess the veracity of its application in particular cases, and so on.[81] The precise content of this structure and the weight it carries in any particular discourse cannot be anticipated by theory, but the positive sense attached to 'community' can be readily observed when the concept is invoked as a critical standard in order to legitimate, promote or otherwise commend social and institutional policies and forms.[82]

Theoretical investigation cannot exhaustively account for meaning, which is continually reproduced and modulated in dialogue. Unpacking this normative structure does however clarify the range of issues which are opened up when 'community' is problematised, that is when the agreements and understandings which secure the intelligibility of the concept in conventional discourse are called into question. The scope of the emergent problematic indicates why a satisfactory response to the question of 'community' requires more than a hasty and convenient definition accompanied by ill-considered policy recommendations. Recognition that the opaque dependencies of language, history and practice which constitute the 'inescapable frameworks' of identity and agency are also engaged by the question of community and its attendant conceptual

81 These comments draw upon Connolly *The Terms of Political Discourse*, 27-31, and Stanley Cavell, *The Claim of Reason* (Oxford, Oxford University Press, 1979), Chs. 1–3. Cavell is especially helpful here in clarifying the significance of shared languages and concepts in the course of a commentary on Wittgenstein's comment that 'If language is to be a form of communication there must be agreement not only in definitions but also in judgements' (*Investigations*, §241): 'The establishing of criteria makes the process of judging more convenient, more open, less private or arbitrary. One might say: here establishing criteria allows us to *settle* judgements publicly...Wittgenstein's appeal to criteria is meant...exactly to call to consciousness the astonishing fact of the astonishing extent to which we *do* agree in public; eliciting criteria goes to show therefore that our judgements *are* public, that is, shared.' Cavell, *The Claim of Reason*, 30-31.

82 Consider, for example, the following example from the 1997 Labour Party General Election Manifesto, which attempts to relate the outcomes of welfare reform – a prospect likely to be viewed with extreme concern by those reliant on existing public benefits and insurance schemes – with positive connotations involving 'community': 'We will also examine the interaction of the tax and benefits systems...so as to fulfil our objectives of... strengthening community and family life.' Excerpted from the on-line text at http://www.labour.org.uk/.

structure reiterates the centrality of public dialogue to the formation and expression of identity,[83] and directs discussion of the term to its *use* in political discourses.

The formation and recognition of identity is in the first instance an intersubjective and participatory process. Conjoined with the interpretive anthropology developed previously, the decisive significance of 'community' – the environments where engagement within and reflection upon social practices and goods takes place – becomes irresistible. Neither identity nor society are conceivable without community,[84] i.e. independent of the meanings, practices, understandings and relationships conveyed by the concept. The absence or diminution of community correspondingly undermines the bases of identity, and risks engendering conditions of alienation and disenchantment where subjectivity, in the absence the resources which make self-interpretation possible and meaningful, can find itself in radical crisis.[85] Once the affective ties and solidarities associated with community are appreciated as a positive social and psychological good, the theorisation and recognition of a plurality of communities assumes considerable political significance. Pursuit of the implications of this analysis does not proceed with the ambition of wholly replacing alternative understandings of politics, but does challenge, moderate and supplement the agenda of contemporary liberal individualism in a process which reframes the domain of the political, integrating at a range of levels a broad but determinate conception of community.

Community is hence both necessary, and necessarily plural. The range of factors according to which communities might be identified, complicated by the membership of most people in multiple social groups and relationships, is irreducibly complex. Political theory can however be robust in its approach to community whilst remaining sensitive to the intricacies which lend the concept much of relevance in the first place. As Iris Marion Young points out, potential characteristics according to which groupings can be identified (e.g. sex, height, shoe size, favourite colour) are inexhaustible. Such 'arbitrary classifications'[86] describe *aggregates* of persons, but do so through the categorisation of attributes which are treated as accidental or external to the identity of those concerned, interests *of* rather than *in* the self.[87] This 'methodologically individualist'[88] notion of

83 See Ch 4 § 5 above.

84 Which will henceforth not be distinguished by quotation marks. This is not because community has been de-problematised; rather that a sufficient sense of its structure, regularities and ambiguities, both conceptual and historical, has been established for the term to be used with a measure of reliability.

85 e.g. Taylor, *Sources of the Self*, 27, 531.

86 Iris Marion Young, *Justice and the Politics of Difference* (Princeton, NJ., Princeton University Press,1990), 44.

87 Sandel, *Liberalism and the Limits...*, 161-4. See Ch. 3 above.

88 Young, *Justice and the Politics of Difference*, 45.

contingent grouping cannot grasp the constitutive role of goods for identities (individual *and* collective) and so has no place within a considered taxonomy of community and its forms.

A less extreme individualist model of social relations is captured by Young under the term *association*. This 'recognises that groups are defined by specific practices and forms of association'[89] but remains committed to an ideal of individuation where, as Young puts it, the person is prior to the association. This archetype, familiar from part three of *A Theory of Justice*, reduces action to mere preference-satisfaction which carries no implications for the antecedently established self. Although Young criticises this model and the conception of self which it maintains, she appears to accept its empirical accuracy as a description of voluntary association[90] and does not pursue the full implications of its enervated grasp of agency. Following the individuated model of voluntary association, the effect of membership and involvement within, say, an interest group or political movement is always transient. Situated and theorised within an interpretive framework, however, social movements, interest groups, labour organisations and similar forms of social relation need not be so underestimated. They can provide sites of deliberation, action and expression which, under appropriate conditions, are of potentially definitive significance to the self. Associative identification can of course be passive as well as active. A person's role within a group may not extend, for example, beyond the postal remittance of an annual subscription fee, and where this is the case Young's somewhat pessimistic assessment is likely to be accurate. Despite this the experience of social membership can also involve profound and enduring commitments, indelibly impacting upon identity and self-understanding in a manner which clearly falls – at least at times – within the conceptual boundaries of community.

The third form addressed by Young is that of the fully conceived 'social group', characterised in terms strongly reminiscent of constitutive communities and higher-order goods in the works of Sandel and Taylor. Developing a model of identification and differentiation as 'multiple, cross-cutting, fluid and shifting'[91] Young's poststructuralist analysis agrees with Taylor that such identifications constitute individuals in a manner which does not crudely determine identity, but which captures the deep affinities which structure and constitute human experience of and reflection on both self and world. Rather than being chosen in accordance with a principle of autonomy, groups for Young

89 Young, *Justice and the Politics of Difference*, 44.

90 Young, *Justice and the Politics of Difference*, 46, 'A person joins an association, and even if membership in it fundamentally affects one's life, one does not take that membership to define one's very identity.'

91 Young, *Justice and the Politics of Difference*, 48.

(following Heidegger) manifest the 'thrownness' of human being-in-the-world,[92] and are locations where identity is discovered rather than chosen.

Although Young draws upon radical feminist and poststructuralist sources which are for the most part untouched by Taylor both address questions of identity and intersubjectivity in a reflexive manner, in the light of which the outcomes of their analyses are – perhaps surprisingly – complementary.[93] In particular, Young's vivid grasp of the plural and evolving character of groups and identities advances the political development of Taylor's philosophical insights into language and subjectivity. Extending the Saussurian[94] picture of language as a system of interdependent differences, it becomes clear that because groups are differentiated according to specific goods and qualities, 'a group exists only in relation to at least one other group...identification arises...in the encounter and interaction between social collectivities that experience some differences in their way of life and forms of association.'[95] Communities (or 'social groups' in Young's terminology) emerge in encounters between cultural forms which provoke the articulation of aspects of identity previously experienced either latently or unproblematically. The omnipresence of modern secularism, for example, can intensify to the point of fundamentalism the identification of the religiously devout with their faith; similarly, the language movements in Quebec (and also, for example, in Wales and Eire) express strong identifications which developed in response to (anglocentric) cultures experienced as a threat to established forms of life.

Identity and difference are not articulated solely in reaction to the presence of the 'other'; they are also deftly and thoroughly inscribed in the vocabularies and practices of everyday social life. A community – such as the Francophone Quebecois – united in

92 Young, *Justice and the Politics of Difference*, 46. Although I do not dissent from Young's analysis here, it is worth noting that her use of Heidegger is extremely limited and does not engage the wider methodological problems raised by *Being and Time* as discussed in Ch. 5.

93 At *Sources of the Self*, 490, Taylor' dismisses the works of Lyotard and Derrida as 'charters for subjectivism', an assesment which is also addressed to the 'incomparably weightier' Foucault, whose case is considered in a little more detail below. Also, although Taylor and Young concur in their analysis of communities/social groups, this is not the case in other areas. In particular, the aestheticist temper of Young's comments on group politics and city life later in *Justice and the Politics of Difference* diverges from the less fanciful considerations of pluralism, federalism and recognition presented in, for example, Taylor's writings on Canada.

94 Young does not cite Ferdinand de Saussure, *Course in General Linguistics* (La Salle, IN., Open Court, 1986), 118-119, 'Everything we have said so far comes down to this. *In the language itself, there are only differences*...In a language, as in any other semiological system, what distinguishes a sign is what constitutes it, nothing more. Difference is what makes characteristics, just as it makes values and units [of meaning]', but her conception of the relationships obtaining between groups is clearly consistent with his analysis. Taylor mentions Saussure briefly in relation to the philosophy of language, but unsurprisingly given that context does not discuss the relevance of structural linguistics to processes of social differentiation. Taylor, *Philosophical Papers I*, 240, 256.

95 Young, *Justice and the Politics of Difference* , 43.

defence of a strongly defined cultural identity will also differentiate a wide range of other social relationships. These identifications, and the solidarities and groupings which they embody, do not in and of themselves undermine the coherence of the Quebecois community, or challenge the significance of French language and culture as its dominant good. Their presence does indicate something of the complexity and fluidity of identity, and illustrates how self-understandings develop over time. Resolution of the language issue will not settle or complete the Quebecois identity. Issues of class, status, authority, gender and race, for example, might supplant the debate concerning language and inspire previously unexpressed identity claims within the culture. The Quebec identity will also inevitably evolve in relation to other cultural forms whether independence, a renewed federalism, or continuing tension prevails within the province. The character of and relationships pertaining between cultures, and the communities and identities which they generate and sustain, thus relate interdependent contexts in a model of overlapping dialogue, deliberation and agency which extends throughout social and political life.

Complementing the historical and conceptual discussion of community, Young's analysis develops the political relevance of the term – and equally significantly, the *irrelevance* of ill-considered aggregations – in a form consistent with the interpretive theorisation of subjectivity which explains how collective identities arise and relate in multiple conjunctions of language and culture. This multiplicity raises a further concern relevant to the understanding of community. Observation of the range of potentially germane characteristics[96] (which must initially include those which upon examination are deemed absurd or irrelevant) highlights the *imaginary* dimension of community, which is also relevant to the identification of politically significant groups and movements might be identified amidst the proliferating confusion of multicultural societies.

Questions concerning the identification and political relevance of groups and communities are more closely related than they at first appear. Benedict Anderson's incomplete analysis of the nation as an imagined entity, where persons with no direct experience of one another nevertheless 'in the minds of each lives the image of their

96 Young offers five criteria (exploitation, marginalization, powerlessness, cultural imperialism, violence) according to which oppressed social groups might be identified. These are interpreted to encompass an astonishingly wide demographic, including '*amongst others* women, Blacks, Chicanos, Puerto Ricans and other Spanish-speaking Americans, American Indians, Jews, lesbians, gay men, Arabs, Asians, old people, working class people, and the physically and mentally disabled.' This list is saved from banality by the recognition that 'the above named groups are not oppressed to the same extent or in the same ways', an observation which calls attention again to the need for applied interpretation appropriate to particular identities and contexts of action and oppression. Young, *Justice and the Politics of Difference* , 40, emphasis added.

communion'[97] remains relevant to communities of less magnitude. In mass societies the relation of community is unlikely to be wholly characterised by features of territory or locality, and even when that is the case persons will rarely, if ever, be fully conversant with all of their contemporaries. Common identities and self-understandings can be expressed and consolidated in friendship with – and estrangement from – others, but the meanings and identifications thus conveyed are more fundamentally borne, reproduced and transformed in the wider contexts of language, culture and now community. This does not undermine the centrality of interpersonal deliberation within practices of evaluation and self interpretation, but is an important reminder that particular instances of dialogue always occur within these more general environments.

Like Young, Anderson suggests in language compatible with Taylor's constitutive vocabulary that communities are primarily distinguished by the 'style' and 'depth'[98] of the identifications which they embody. In particular Anderson's use of the term *imagined* complements the foregoing analysis by emphasising the *non-natural* status of identity and difference. Distinctions of, for example, hair colour or shoe size are biological and hence in one sense 'natural'[99] but in themselves are of use only as criteria of aggregation in the service of the statistician or, perhaps, the market researcher.

Elaborating these rather obvious examples, it is through social processes that distinctions of gender, race and ethnicity are established, inscribed and become meaningful to human identities and relationships in a constitutive manner. This non-natural status does not undermine the reality of the social experience of identity and differentiation, but does militate against the tendency to naturalise the distinctions – and hence the identities – involved. Where the antecedently individuated model identifies fundamental elements of identity as contingent attributes of the self which it proceeds to ignore or transcend, its essentialist variant distinguishes these elements and defines the meanings and identities which they imply in a rigid, prescriptive form. The assumption that identities are unchanging and homogenous is a convenient[100] but wholly false one

97 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised edition (London, Verso, 1991), 6. Anderson concentrates on nation as community in a manner which elides most of the linguistic and cultural complexity discussed in the preceding analysis, and lacks a strong conception of the bearers of identity as social actors.

98 Anderson, *Imagined Communities*, 6-7.

99 Following the concept of nature and natural science conveyed in ordinary language use. No epistemological claim or argument concerning the veracity of the natural/social distinction is intended here. Although it could certainly be objected that such an discussion is either implied or required, in the context of the present discussion the argument is not of decisive importance.

100 And also potentially viscious or oppressive. Movements against racial, sexual and other forms of discrimination are, at least in part, against the institutionalisation of essentialised identity ascriptions, and the attendant grammar and social relations which are thereby entrenched. The behaviour of imperialist and totalitarian regimes towards colonised or subjected peoples adheres to a similar essentialising logic.

which simplifies identity by screening out its plural and reflexive aspects. By ignoring the dynamic and fluid features established by Young, any analysis or policy recommendation eventuating from such false premises gains its clarity, and perhaps its appeal, at the cost of relevance in the face of a more complicated and problematical pluralist world.

The reflexive and plural theorisation of identity and community presented by Taylor and Young is neither dogmatic nor prescriptive in its approach and so appears to be invulnerable to charges of political essentialism. The question of essences – their presence, absence and implications – has however been asked of Young in a more convoluted manner. According to Chantal Mouffe essentialism ineluctably leads to a position at odds with a democratic and pluralist politics due to its inability to comprehend the 'contingent and precarious'[101] status of identity. Young, she claims, 'has an ultimately essentialist notion of 'group'...their interests and identities already given' and conceives politics as a matter of dealing with these prediscursive interests rather than one concerned with the radical 'transformation of existing subject positions.'[102] Given Young's emphasis on the multiplicity and fluidity of identities (of both individuals and groups) the source of this essentialism is difficult to discern. Although the criticism could be developed in relation to the rather weak theorisation of associations in *Justice and the Politics of Difference* (noted above) Mouffe's discussion lacks the detail required to make such a judgement anything more than speculative. Indeed, her objection is directed as much at the very idea of 'group' insofar as the term implies the presence of a stable and enduring identity, as it is at the interpretation of the concept in the works of Young and (less clearly) Taylor.[103]

Mouffe's conception of radical democratic citizenship accepts the critique of the liberal subject in full,[104] but in the absence of a vocabulary emphasising the contingent and unstable aspects of that critique her advocacy of a hegemonic identity articulating 'liberty and equality for all...allowing for a plurality of specific allegiances and for the respect of individual liberty'[105] could be viewed as surprisingly conventional in its political implications. The issue separating her and Young, revealed by their contrasting vocabularies, does not directly concern either 'essences,' the theorisation of 'group,' or the characteristics of group identity – which for both are contingent, plural and

101 Chantal Mouffe, *The Return of the Political* (London, Verso, 1993), 77.

102 Mouffe, *The Return of the Political*, 85.

103 Insofar as the analysis of groups and communities above shows the works of Young and Taylor or be compatible, however, it is reasonable to suppose that Mouffe would regard Taylor as susceptible to the 'essentialist' charge.

104 Mouffe's references to Taylor in *The Return of the Political*, are mostly incidental; where he is quoted directly (on p. 46 and p. 64) it is only with regard to the critique of atomism in *Philosophical Papers II*.

105 Mouffe, *The Return of the Political*, 83-4.

imaginary. The basis of Mouffe's criticism is rather to be found in the characterisation of difference and its implications. Her discussion, like Young's, carries echoes of Saussure[106] but presents difference in terms of 'antagonism, division and conflict,'[107] establishing the boundaries of discursive space which the project of radical democracy ineluctably seeks to challenge and expand.[108] Although this theorisation of identity and difference admits the possibility of transient 'nodal points'[109] of discursive regularity, it insists that the experience of democratic citizenship is a fundamentally *agonal* one. From this standpoint deliberative processes which recognise and accommodate difference, mutual understanding or consensus seek to 'arrest the flow of differences'[110] establishing a fixity of meaning which essentialises identity by denying its necessarily relational and indeterminate character.

The examination of Young and Taylor paid particular attention to the porous character of identity in their works, and to how identity is open to transformation in processes of recognition, deliberation and articulation. This theorisation is insufficient in Mouffe's view because the understanding that language (*pace* Saussure) is an open rather than closed structure entails that *all* meaning is indeterminate, not merely unsettled. 'Nodal points' notwithstanding, attempts to interpret and establish meaning necessarily stand in need of discursive unmasking; to suggest otherwise is to fall into an essentialist mode which is 'inescapably deficient when it comes to the construction of a democratic alternative'[111] to traditional liberal (and Marxist) political theories. This polarising analysis is deaf to the nuances of language use, meaning and identity, which for Mouffe is *either* antiessentialist and radical, plural and democratic *or* essentialist and irredeemably deficient.

The use of Wittgenstein as a thinker who 'insisted on the impossibility of fixing ultimate meanings'[112] in *Hegemony and Socialist Strategy* demonstrates the debilitating limitations attendant upon this approach. This unsupported assertion is not incorrect of Wittgenstein, but overlooks the shape, content, and myriad purposes of the *Philosophical Investigations*, which – amongst other things – locates and explores the continuity and

106 e.g. Mouffe, *The Return of the Political*, 85; 'There will always be a 'constitutive outside', an exterior to the community that is the very condition of its existence...all forms of consensus are necessarily based on acts of exclusion.'

107 Mouffe, *The Return of the Political*, 86.

108 This position receives its clearest formulation in Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy* (London, Verso, 1985), 105-14, summarised at 155-5 as 'the openness and indeterminacy of the social, which gives a primary and founding character to negativity and antagonism'.

109 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 112.

110 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 112.

111 Mouffe, *The Return of the Political*, 85.

112 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 111.

embeddedness of grammar and meaning in language use and forms of life. The uncontroversial observation that meaning is contingent (in the sense that it is never 'ultimate') does not support either a claim of radical indeterminacy, or the exclusive correlation of identity and difference with power and resistance[113] which forms the basis of Laclau and Mouffe's characterisation of the 'radical antagonistic character of democratic struggles.'[114]

Mouffe's unsuccessful criticisms are directly addressed to Young, but similar concerns have been formulated in a manner which explicitly engages Taylor's hermeneutic approach. Responding to Taylor's argument that Michel Foucault's ethic of resistance and liberation is compromised by an epistemology which conceives truth relativistically as an effect of power,[115] William Connolly[116] suggests that Taylor and Foucault share many positions at an archaeological level. 'Archaeology' is a labile Foucauldian concept embracing amongst other things the critique of traditional theories of language and epistemology, the category of the subject, the situated character of knowledge, and more generally the irregular - but not indeterminate[117] - conditions which constitute, order and limit areas of discourse.[118] 'Within these broad commonalities,' Connolly claims, 'reside fundamental differences'[119] between Taylor and Foucault, arising from their respective use of hermeneutic and genealogical models of explanation.

'Knowledge is not made for understanding; it is made for cutting,'[120] proclaimed Foucault. The distinction between archaeology and genealogy is a somewhat opaque one, but (in general) where archaeology reveals and opens to question the philosophical assumptions and cultural conditions underlying claims to and domains of knowledge, genealogy aims 'not to discover the roots of our identity but to commit itself to its dissipation.'[121] Developing a Nietzschean ontology of disorder,[122] genealogy repudiates

113 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 143.
114 Laclau and Mouffe, *Hegemony and Socialist Strategy*, 133.
115 Taylor, 'Foucault on freedom and truth', *Philosophical Papers II*, 152-184.
116 Connolly, 'Taylor, Foucault and Otherness', *Political Theory* 13 (1985), 365-377.
117 A point which distinguishes Foucault from Mouffe's less subtle antiessentialism. The elusiveness of Foucault's thought makes its categorisation problematic (and probably pointless). Best and Kellner helpfully describe him as a 'profoundly conflicted thinker...who combines premodern, modern and postmodern perspectives'. Stephen Best and Douglas Kellner *Postmodern Theory: Critical Interrogations* (New York, Guilford Press, 1991), 36, see also 36 n.2.
118 The clearest short elaboration of the scope of the archaeological, and of the imprecision of the term, occurs in Michel Foucault, *The Archaeology of Knowledge and The Discourse on Language*, trans. A. M. Sheridan Smith (New York, Barnes and Noble, 1993), 206-208.
119 Connolly, 'Taylor, Foucault and Otherness', 366-7.
120 Foucault, 'Nietzsche, Genealogy, History', in Paul Rabinow, (ed.) *The Foucault Reader* (London, Penguin, 1984), 95.
121 Foucault, 'Nietzsche, Genealogy, History', 88.

not only the liberal fiction of an autonomous, sovereign, choosing self, but extends to challenge the anthropological basis of the human sciences,[123] decentering the subject and focusing upon the determining role of discourses (of e.g. medicine, punishment, and sexuality) in the production of identities (the lunatic, criminal, pervert, etc.) Discourse functions on this account to 'impose form over that which was not designed to receive it,'[124] creating and hypostasising identity in patterns of stability and normativity, involving a subjectification of being which genealogical investigation aims to unmask, disrupt and undermine.

Taking up a genealogical standpoint Connolly refashions the question of identity and difference – of whether the recognition of difference also commits theory to the rejection of subject-centred concepts and modes of thought – in a more sophisticated manner than either Mouffe's antiessentialist critique, or Melissa Lane's distantly related but similarly unsuccessful 'reductionist' objections – which also claimed Nietzschean provenance – to Taylor's theorisation of interpretive frameworks.[125] Engaging issues of both political advocacy and philosophical anthropology, Connolly has latterly conceded the inaccuracy of his intemperate political criticisms of Taylor as a 'civic liberal' supposedly committed to a rather bizarre teleological principle of communal harmony and self-realisation.[126] At the level of anthropology or 'social ontology,'[127] however, his discussion of Taylor is more refined and effective.

[122] The understanding of the term 'disorder' here follows that of Connolly, but is most clearly stated by Michael. J. Shapiro, 'Charles Taylor's Moral Subject' *Political Theory* 14 (1986), 318, 'Taylor presupposes an ontology of order and a notion of discourse as something to be attuned with and thus expressive of that order, Nietzsche offers an ontology of disorder and a notion of discourse as constitutive...as an imposition of an order.'

[123] e.g. Foucault, *The Archaeology of Knowledge*, 16, where the book is described as 'an attempt to formulate, in general terms...a method of analysis purged of all anthropologism.' The extent to which this wholesale rejection of anthropology as subjectivism is consistent throughout Foucault's work is debatable but beyond the scope of the present discussion, but see in particular his comments on techniques of care and mastery of the self in 'On the Genealogy of Ethics: An Overview of Work in Progress' in Rabinow, *The Foucault Reader*, 359, which sketches out models of ancient, christian, and modern conceptions of subjectivity in a manner superficially similar to the structure deployed by Taylor in *Sources of the Self*.

[124] Connolly, 'Taylor, Foucault and Otherness', 366.

[125] Ch. 5 §2, above.

[126] Connolly's barely coherent claim in full states that Taylor 'proceeds from a rhetoric of self-realisation within community, through a rhetoric of communal realisation through harmonization of the diverse parts of an ongoing culture, to a rhetoric of progressive attunement to a harmonious direction in being' Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox* (Ithaca, Cornell University Press, 1991), 89. A footnote appended to the introduction of the book (p.223-4, n. 7) notes that *Identity/Difference* was 'in production' when *Sources of the Self* appeared, and that the critique of Taylor's 'civic liberalism' is rendered irrelevant by that work.

[127] In *Politics and Ambiguity* (Madison, University of Wisconsin Press, 1987), Connolly offers an unusually precise account of ontology as 'a set of fundamental understandings about the relations of humans to themselves, to others, and to the world', p. 9, a definition sufficiently close to the sense of 'philosophy anthropology' advanced in this essay for the terms to be accepted as compatible.

Connolly characterises Taylor's project as a 'quest for attunement and self-realization'[128] reliant upon a vocabulary of consensus, dialogue and mediation which is 'designed to carry us through interpretation to a closer harmony with the world.'[129] This description underplays Taylor's awareness of the plural and evolving and potentially incompatible character of goods, practices and indentifications,[130] in the light of which the desire to directly oppose a hermeneutic of attunement with a genealogy of discord appears misconceived. Connolly's comments are however forceful in so far as a genealogical perspective disturbs and undermines any sense of stability or completion which might accrue over time as identity becomes more secure and less attentive to the fluidity of contexts and differences. Although Taylor's understanding of modernity is organised around the incompatible copresence of romantic and instrumental cultural forces, commitments to multiple goods can involve a greater degree of conflict for and fragmentation within identity than he acknowledges, and in particular instances his confidence in the availability of sufficiently resourceful higher order-goods might be misplaced.

The impact of Connolly's comments upon the interpretive position developed in this essay is constrained by the fact that although power is undoubtedly present in all social environments and relationships it is only one aspect of discourse, with a range of possible effects which need not be repressive or malignant. Not all social relations and processes are available to a vocabulary of discipline, domination and resentment. Foucault himself acknowledged the partial character of his studies,[131] and Connolly's concession that his theory of power 'may be exaggerated'[132] implies some appreciation of the limited explanatory power of genealogy. Unfortunately, the consequences of this judgement are unexplored and the hegemony accorded by Connolly to discourses of subjectification and domination occurs at the expense not only of consensus, but also of recognition, equality, freedom, solidarity, friendship, and so on.

In the evaluation of competing accounts it must be remembered that 'ontologies are not directly demonstrable; they are pragmatically established.'[133] Every anthropology is itself an interpretation, and is not susceptible to strict philosophical proof. Validation and

128 Connolly, 'Taylor, Foucault and Otherness', 367.

129 Connolly, *Politics and Ambiguity*, 151.

130 A point which Connolly would probably acknowledge in the light of his comments on *Sources of the Self* noted above.

131 'Of course, there are consensual disciplines...these analyses can in no way, to my mind, be equated with a general analytics of every possible power relation,' Foucault, 'Politics and Ethics: An Interview,' in Rabinow, *The Foucault Reader*, 380.

132 Connolly, 'Taylor, Foucault and Otherness', 371.

133 Michael J. Shapiro, 'Charles Taylor's Moral Subject' *Political Theory* 14 (1986), 317.

critique occurs – as seen in the detailed examination of Rawls and Taylor – in a combination of coherence, plausibility, explanatory adequacy, and so on, assessed in the light of experience and reflection. When questioning the form and order (or otherwise) of understanding and subjectivity there is no decisive reason to favour in advance an ontology either of genealogical disorder *or* hermeneutic self-interpretation. The absence of such grounds, when combined with the explanatory force of the philosophical anthropology established in the preceding chapters, suggests that the challenge proffered by genealogy is not as corrosive as it at first appears. One particularly relevant difficulty concerns the impersonal theorisation of discourse and the impoverished relation of power and agency which ensues.[134] The decentering of the subject practised by Foucault and embraced by Connolly conflates anthropology with athropocentrism and in consequence lacks a sense of the self as a participant, with others, in the development of its own identity. To deal appropriately with the erroneous presuppositions of liberal individualism – the sovereign self possessed of a universalised rationality – requires the situation of the subject, not its eradication.

These criticisms notwithstanding, genealogy does address a serious weakness within Taylor's work, which effectively overlooks the role of power in the formation of sites of identification, social contexts and communities. Although it is not compelling as a wholesale critique of philosophical anthropology and is, as Connolly concedes, 'insufficient to political theory,'[135] genealogy is helpful as a complementary analysis which shows how forms of identity can be manipulated, suppressed, excluded and marginalised[136] – that frameworks and deliberative spaces are not domains of unconstrained communicative and expressive freedom. This is not to propose a synthesis between hermeneutic and genealogical approaches – which despite archaelogical 'similarities' is not conceptually available due to the 'ontological' incompatibility of the two positions. The issue of power does not present itself as a 'question' to be 'answered' by theory, but is insinuated in interpretive practices and as such is an inescapable element of any satisfactory formulation of the politics of community. Within this context the limited but significant contribution of genealogy is to illuminate the role of power in the formation and recognition of communities and social groups as sites of identity and intersubjectivity.

In summary, the examination above reveals a complex structure of associated meanings and methodological concerns which impose themselves on any attempt to

134 e.g. Best and Kellner, *Postmodern Theory*, 69 f.

135 Connolly, *Politics and Ambiguity*, 159.

136 This point is advanced with reference to Taylor rather than Young, whose analysis of the 'five faces of oppression' is more explicitly sensitive to the role of power within discourse.

define, or discriminate between, communities in the course of political analysis and interpretation. An appreciation of the need to coherently relate and separate communities within physical and discursive space is a prerequisite of a viable political theorisation, which must proceed in a manner which is sensitive both to the complexity of pluralism and difference, and to the discursive regularities and points of convergence which are of equal importance in the constitution and reproduction of identities and their supporting cultural contexts.

Any failure to appreciate these competing forces incurs the possibility of an understanding prey to excesses of heterogeneity and homogenisation. On one hand lies the danger that a restrictive comprehension of the term recognises and legitimates a narrow range of social forms, marginalising innovative social and cultural groupings or imposing an understanding of community which undermines the plurality and diversity inherent in the ideal of complex social differentiation. On the other hand, in an extreme form pluralism carries the possibility of radical conflict where a cacophony of incompatible claims advanced by groups, interests and individuals – untrammelled pluralism being ultimately solipsistic – pays insufficient heed to the cultural and linguistic environments within which micrological analyses of difference, power and their impact upon identities are located.

COMPLEMENTED BY A GENEALOGICAL AWARENESS of power, the hermeneutic analysis of community makes possible, in terms consistent with the anthropological discussion of language and identity, the delineation of a deliberative model of politics conceived under conditions of enduring multiculturalism. Relevant communities groups and identities, and the issues which differentiate and politicise them, cannot be precisely or antecedently specified because they arise *within* and *between* cultures and ways of life. It is in these spaces of cultural contact and dialogue that a politics of deliberation occurs. Complementing recent interest in citizenship, participatory democracy and discursive legitimation, the account of situated subjectivity in Taylor's writings readily extends into a wider account of political and social engagement. This involves a theorisation of public space, extending themes and concepts introduced in Taylor's philosophical anthropology, which relates ideas of agency, language, deliberation and identity to democratic processes of political participation with a depth and coherence far exceeding that offered by the normative liberalism of Rawls and his contemporaries.

CHAPTER SEVEN

DELIBERATION, DEMOCRACY AND SUBJECTIVITY

[1] DELIBERATION AND CONTESTATION

CHAPTER SIX OFFERED AN ACCOUNT of the relationship between anthropology and advocacy that extended the dialogical, intersubjective conception of the self, and the intimate connection between identity and ideas of the good central to it, in order to address matters involving both direct political conflict such as the clash of ostensibly incompatible identities in Quebec, and contested political concepts such as 'community', which upon examination was found to engage a dense set of meanings and associations awaiting clarification in the course of public debate. In each instance the substantive approach adopted did not provide a conclusive resolution detailing, for example, the terms of an agreement between Anglophone and Francophone Canadians, or a stable and complete definition of the meanings of 'community'. The interpretations advanced set out the issues at stake in a (hopefully) perspicuous manner, but do not presume to establish the results of debates concerning either Quebec or community. Such encounters properly receive their form and outcome in the actions of their participants which, occurring more or less unpredictably under conditions which exceed the knowledge and control of theory, are not susceptible to its determination.

The resolution (or otherwise) of contested concepts, conflicting identities and similar antagonisms are properly matters of common or public concern; they become fully or explicitly political only when articulated as such in public spaces. Such spaces are fundamentally linguistic in character, and the agency and processes that constitute politics are therefore best understood as attempts to impose, define, create, negotiate, etc., the meanings maintained by a linguistic community and the social relations thereby expressed. These processes need not be democratic: to take an obvious example, Orwell's

Newspeak[1] dramatically demonstrated the extent to which the control exerted by totalitarian regimes simply *is* the control of a language and the understandings and practices that it informs. In addressing the slightly less pessimistic conditions faced by liberal democratic societies in late-modernity, however, the possibilities opened up by a substantive and interpretive approach to the political can be viewed with more equanimity.

The following remarks in no way attempt to comprehensively survey or analyse the diverse and voluminous contemporary literature linking the concepts of democracy and deliberation.[2] In highlighting some key aspects of a conception of politics involving the public articulation and interpretation of contested goods, identities and meanings, it is instead my intention to indicate the possibility of a model of deliberation consistent with Taylor's philosophical anthropology, and in so doing to offer some idea of the extent to which hermeneutics can significantly contribute to debates in contemporary political theory concerning deliberation, democracy and identity.

Processes of deliberation and contestation are both social and linguistic in form. As the discussions of chapter four and chapter six established,[3] language is a complex and expressive resource that is created and sustained in the ongoing, overlapping interchanges of discursive communities. The parts of speech are however plural, complex and uncertain; regularities of use and meaning persist alongside ambiguities, equivocations, conflicts, etc., that are also produced in the course of communicative action. Agreements and disputes involving shared and divergent understandings are not just matters of intellectual curiosity. Debates about the meanings and identities affirmed by a language (and the goods and forms of life that it makes manifest) engage understandings that are common not in the sense that they are contingently convergent, where a particular set of people have similar preferences and dispositions, or temporarily agree to co-operate in some manner for instrumental reasons. The idea of a shared understanding involves a more profound identification. In order to effectively realise social relations of freedom and equality, for example, it is not sufficient (although it is perhaps necessary) that laws proscribing certain forms of discriminatory treatment be enacted. The success of such legislation will also depend on the extent to which there exists a common sense amongst

1 George Orwell, *Nineteen Eighty-Four* (London, Penguin, 1989).

2 The most prolific exponent, under the guise of 'discourse ethics' being Jürgen Habermas; see in particular *Justification and Application: Remarks on Discourse Ethics*. Other prominent examples of the genre include John Dryzek, *Discursive Democracy: Politics, Policy, and Political Science* (Cambridge, Cambridge University Press, 1990), Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, MA., Harvard University Press, 1996), and James Bohman, *Public Deliberation: Pluralism, Complexity and Democracy* (Cambridge, MA., MIT Press, 1996).

3 In particular see Ch. 4, § 5.

those concerned that they actually *are* equal, a recognition of identity and difference that implies the presence of a language and culture 'which makes actions, feelings, ways of life which are of value conceptually feasible.'[4]

That successful dialogical encounters are not only possible but unexceptional – even in the most complex of plural societies – indicates the presence of a range of implicitly shared understandings, judgements and conventions underpinning the institutions and practices of everyday social life. The apparent depth of these agreements does not however make a unity of language, because although particular linguistic acts (Saussure's *parole*) cannot be isolated from the contexts (*langue*) which their intelligibility presupposes, any language as a whole is always incapable of being fully comprehended or articulated. This public and holistic theorisation is particularly well suited to the interpretation of political debate, as it demands that the analysis and negotiation of antagonistic identities and contested meanings be understood as public and linguistic in form. The very presence of such conflicts indicates a breakdown in, or absence of, shared understandings which might ordinarily go unnoticed in the life of a speech community. Taylor's emphasis on the location of goods and meanings in languages which are by definition commonly held thus extends the insights of the expressive conception of language within an account of the purposes and processes of political debate.

The organisation of social and economic life in late-modern societies according to ideals of independence, mobility and instrumental rationality predictably extends to the practices of politics, where the freedoms accorded to the individual as a bearer of preferences and consumer of goods come at a considerable cost. The enervation of the social bonds and relationships that were identified as part of the concept of community has a similar impact upon the quality of the culture of democracy. In a polity of aggregated, dissociated individuals, the experience of politics increasingly becomes a private, fragmented and ineffectual one. The United States, where public life is undeniably vigorous and voluminous but is dominated by the judicial retrieval of rights against both individuals and the state, and by the production of legislative gridlock at the behest of professionalised sectarian interest groups and lobbying organisations, offers perhaps the clearest illustration of the political consequences of excessive individualism.[5]

4 Taylor, 'Irreducibly Social Goods', in G. Brennan and C. Walsh, (eds.) *Rationality, Individualism and Public Policy* (Canberra, Australian National University Press, 1990), 58.

5 See for example Sandel, 'The Procedural Republic and the Unencumbered Self', 91-95; Taylor, *The Ethics of Authenticity* , 109-121; and Taylor, 'Liberal Politics and the Public Sphere', in Amitai Etzioni (ed.) *New Communitarian Thinking: Persons, Virtues, Institutions and Communities* (Charlottesville, University Press of Virginia, 1995), 207-215.

As the steady decline in electoral participation in America attests, a form of politics that is comprehensively dominated by competing claims of right and interest is neither empowering nor democratically effective. Indeed, the entrenchment of a narrowly procedural conception of politics and public reason is likely to explicitly undermine the cultural bases of democratic politics, which as Joshua Cohen succinctly argues '[w]hen properly conducted...involves *public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of [that] common good.'[6] According to Taylor, such an effect is clearly discernible in North America, where the displacement of politics by jurisprudence entails that 'energy is channelled into interest or advocacy politics'[7] in a manner which isolates individuals as political actors, setting them against one another and in so doing rendering them 'less and less capable of forming a common purpose and carrying it out.'[8]

The process of fragmentation described by Taylor involves a self-feeding failure of democratic politics, where the absence of common purposes, and of effective deliberation addressing that lack, effectively undermines political initiative and the possibility of democratic renewal. Furthermore, because the culture of democracy is indivisible from the vocabularies and public life that are fundamental to the reproduction in speech of identity and community, fragmentation brings with it the danger of a flattening of differences and the development of cultural homogenisation[9] where, deprived of meaningful cultural encounters, identities and differences no longer receive articulation 'to the extent that people no longer identify with their political community,' a loss that is both produced and reinforced by 'the experience of political powerlessness.'[10] The implications of this analysis need not be overstated: language and culture do not face the imminent threat of total collapse. The erosion of the bases of community and identity is

6 Joshua Cohen, 'Deliberation and Democratic Legitimacy', in Alan Hamlin and Philip Pettit (eds.) *The Good Polity* (Oxford, Basil Blackwell, 1989), 19. Although Cohen's attempt to develop an ideal deliberative procedure, which draws heavily upon Rawls and identifies autonomy as *the* privileged democratic good, departs significantly from the position indebted to Taylor that is discussed below, it is significant that from a normative perspective he formulates the democratic deficit, and the task of securing legitimacy in modern societies, using concepts of publicity, deliberation and democratic procedure in a much less restrictive manner than Rawls. See also Joshua Cohen and Joel Rogers, *Associations and Democracy*, ed. Erik Olin Wright, (London, Verso, 1995), and Cohen, 'Procedure and Substance in Deliberative Democracy', in Benhabib, *Democracy and Difference*, 95-119.

7 Taylor, 'Liberal Politics and the Public Sphere', 212.

8 Taylor, 'Liberal Politics and the Public Sphere', 211.

9 That is arguably evident in the spread of 'McCulture' and the near-hegemony exercised by American film and entertainment industries. For a discussion of global and local culture in late-modernity see Lash and Urry, *Economies of Signs and Space*, 125-131, 305-313.

10 Taylor, 'Liberal Politics and the Public Sphere', 214.

instead a less dramatic but more insidious phenomenon, and the critical view of the culture of individual rights and its effects is best viewed as an explanation of some of the transformations that contribute to the problems of legitimacy, accountability and alienation faced by contemporary democratic regimes. In addition, the interpretation is consistent with and supported by the concepts and categories of philosophical anthropology, and in the development of public space it also contains one potentially promising means of addressing those difficulties.

Practices involving the deliberation of goods and identities undertaken within and between communities, movements, civic associations and other vehicles of social relationship make possible, according to Taylor, the emergence out of apathy of 'a politics of democratic will formation.'[11] This ideally (and perhaps over-optimistically) envisages that as a result of engagement in public spaces directed towards the formation of shared meanings and purposes – such as the realisation of 'deep diversity' in Canada – 'successful common action can bring a sense of empowerment and also strengthen identification with the political community.'[12]

[2] Sites of Engagement

THE DEBATING CHAMBERS AND RELATED INSTITUTIONS of the late-modern state are undeniably to some extent deliberative in form. As part of a representative system of government that embodies a universalised and undifferentiated model of citizenship, however, such dialogical spaces are manifestly inadequate to the plurality of identities and conceptions of the good that they purport to represent. The centre of gravity of a thoroughly plural and differentiated model of democratic culture and practices is instead to be found in civil society, 'the host of free associations, existing outside of any official sponsorship...[where] society can be said to act, or to generate or sustain a certain condition, without the agency of government.'[13]

Although it cannot be claimed that any of the relationships that constitute civil society are entirely free of the influence, regulation or disciplinary presence of the modern state and its bureaucracies,[14] for the purposes of deliberation it is sufficient that neither the aims nor outcomes of public dialogue are determined by the state or any other external force or interest. Indeed, the defining characteristics of civil society are its

11 Taylor, *The Ethics of Authenticity*, 118.
12 Taylor, 'Liberal Politics and the Public Sphere', 214.
13 Taylor, 'Liberal Politics and the Public Sphere', 185.
14 A condition of independence implied in Taylor's depiction of public space as containing 'a discourse of reason outside power' ('Liberal Politics and the Public Sphere', 192-3) that is perhaps ideally desirable, but is not an accurate or realistic expectation given the size and scope of the modern state.

independence and radical plurality. As Michael Walzer argues, civil society functions as the 'setting of settings'[15] where goods, languages, identities, associations, and the social and economic relations they express find public – and hence political – realisation. It follows from this that civil society is also the primary host of the public spaces of recognition, deliberation and democratic will-formation indicated by Taylor.

The exploration of historical and philosophical aspects of the concept of civil society in, for example, the theorisation of the competitive market economy, is beyond the scope of the current discussion,[16] which is principally concerned with ideas involving deliberation and democratic culture. Created in the more or less unpredictable activities of bodies that are variously formal, informal and spontaneous in stature, public spaces are not conceived as a replacement for, or an immediate solution to, the problems of the modern state. The relationship between the state and civil society is however a complex one, in which the public sphere as a whole (i.e. the plurality of public spaces collected and discursively related to one another) fulfils a crucial but indirect democratic function in shaping, authorising and legitimating (or otherwise) the structure and actions of governmental power.

This relationship to power arises because of the composition of the public sphere as a 'locus of discussion *potentially* engaging everyone...as a consequence it has a normative status: government ought to listen to it.'[17] Where democratic legitimacy is correlated with notions of public accountability and representation, the effectiveness of those processes is significantly dependent on the presence of an effective civil society which forms, where possible, a common mind 'without the mediation of the political sphere'[18] that articulates, as the outcome of rational public discussion, views which accountable and responsive government should take heed of, and with regard to which the democratic legitimation of power in part occurs. The connection between civil society and the state is therefore an indirect but reflexive one, where in a 'maximally porous'[19] relationship the public sphere is 'listened to by power, but is not itself an exercise of power.'[20] The presence of a culture that is coherent, plural and discursive – rather than fragmented, privatised and alienating – emerges from this account as indispensable part of the practices and justification of democratic government.

15 Michael Walzer, 'The Civil Society Argument' in Mouffe, *Dimensions of Radical Democracy*, 98.

16 For a comprehensive survey from a broadly critical-theoretic perspective see Jean L. Cohen, and Andrew Arato, *Civil Society and Political Theory* (Cambridge, MA., MIT Press, 1992).

17 Taylor, 'Liberal Politics and the Public Sphere', 190, emphasis added.

18 Taylor, 'Liberal Politics and the Public Sphere', 192-3.

19 Taylor, 'Liberal Politics and the Public Sphere', 209.

20 Taylor, 'Liberal Politics and the Public Sphere', 191.

The public sphere performs two major functions. It is firstly a collective body that limits power and holds it accountable, and secondly is host to a plurality of dialogues constituting a deliberative process that is a form of democratic politics in its own right.[21] The indirect and diverse constitution of the public sphere makes the precise theoretical specification of its operation problematic. As part of a substantive and situated methodology, questions concerning the structure and content of public spaces are properly a matter of applied interpretation undertaken with regard to specific issues and contexts. It is however possible to schematically convey some sense of how activities undertaken in the discursive spaces of the public sphere can – albeit in an ideal form[22] – be seen to involve the negotiation of a political viewpoint that is both reasoned and public in status.

Given the scale and complexity of contemporary society, a conception of the public sphere containing a conversational or direct account of deliberation – where all members of a society are required to participate in discourse with the aim of reaching consensus, a majority view, or satisfying some other criterion of agreement – is neither realistic nor desirable. A formal or overly institutional model of deliberation also runs the risk of establishing a subordinate rather than reflexive role for civil society, a dislocation likely to compound rather than address the democratic deficit in representative regimes. As the 'setting of settings' for social discourse, the role of the public sphere is rather to relate and integrate the multiple 'common spaces' that arise in civil society in a form that is singular but not necessarily unified. Debate does not always produce clear, reasoned and decisive outcomes, and where opinion is divided, unresolved, indifferent, etc., the relevant issues stand equally in need of public articulation. In performing this function the public sphere 'knits together a plurality of spaces' into what Taylor labels a 'metatopical common space'[23] where although they might never meet, the members of a society are brought together through the cultural exchanges occurring in media that are 'deemed to be *in principle* intercommunicating.'[24]

The most obvious manifestation of this metasocial deliberative exchange occurs in the activities of the mass media, where in processes of reportage, response, advocacy and debate the formation of a public opinion becomes possible through the interaction of a

21 Taylor, 'Liberal Politics and the Public Sphere', 216.

22 Taylor, 'Liberal Politics and the Public Sphere', 194, acknowledges that the ideal-type he depicts is unlikely to be realised. In any particular instance, the public sphere will contain actors (including but not limited to the state) seeking to distort, manipulate or otherwise influence the debate at hand. The presence of such forces, although doubtless undesirable, need not unduly affect the deliberations of a robust and self-conscious polity.

23 Taylor, 'Liberal Politics and the Public Sphere', 190.

24 Taylor, 'Liberal Politics and the Public Sphere', 185-6, emphasis added.

wide range of communicative forms. The editorial pages of broadsheet newspapers, for example, are often explicitly presented in a manner that seeks to elicit a response from the readership in the form of correspondence, which might induce further editorial comment, and so on, over time constituting a process in which issues are raised, discussed and evaluated not just by journalists and correspondents, but also by the general readership, whose discussions of the issue at hand with colleagues and friends also contribute less discernibly – but no less importantly – to the development of public debate. Television and radio programmes structured around the idea of audience participation are similar in purpose (if less thoughtful in execution)[25] whilst the exponential expansion of new media technologies has created electronic public spaces (i.e. discussion groups, mailing lists, and internet pages) that over time are becoming increasingly accessible and diverse.

As part of an industry that is mature and strongly embedded in the public culture of liberal societies, the broadsheet newspaper used as an example above helpfully illustrates some principal features and difficulties of deliberation as a democratic and cultural concept. Print media – along with other forms of public communication – does not present a distortion-free domain of debate. Publications are typically, and with varying degrees of explicitness, guided by ideological biases, valuations and preferences that target the judgements and beliefs of their readership, and in so doing can attempt to shape the course of debate in ways that fall short of ideally free and open exchanges aimed at producing a considered public opinion.[26] The various perspectives adopted by the popular press certainly have a valid role within a flourishing pluralist culture of public contestation, but the availability of that culture cannot be guaranteed or presupposed by theory. Where the public sphere is undemanding or otherwise lacking in deliberative vitality, that condition is likely to be reflected in the quality of the media as well as in more overt democratic failings. Possible symptoms of this cultural malaise include the domination of a limited political agenda, the toleration of monopolistic

25 In an interview at the time of his appointment as controller of BBC1, Michael Jackson tellingly acknowledged the aims of the Corporation in the following terms: 'There are times when we want to reflect the fractured, splintered nature of our times. People want to express their individuality, their difference from each other. And then I think also that people are searching – perhaps now more than ever because of that splintering effect – for things that they can share.' Richard Williams, 'Adjusting your sets', *The Guardian*, November 29 1996.

26 In addressing these questions Taylor offers three 'democratic aspirations' that function as criteria in the qualitative assessment of deliberative processes, the second and third of which are directly relevant to the activities of the press: (i) that people should have a voice receiving due recognition and consideration in the formulation of rules and decisions which govern their lives; (ii) that this voice be genuinely theirs, i.e. not manipulated by propaganda, misinformation, irrational fears; (iii) that it be the outcome of mature reflection and not based on unexamined instinct or prejudice. Taylor 'Liberal Politics and the Public Sphere', 201.

patterns of ownership that arguably undermine the range of opinion considered in public debates, and the manipulation of editorial content by proprietors suffering from delusions of megalomania. It is perhaps unsurprising that all three are prominently evident in the national print culture of the United Kingdom.[27]

If the deliberative paucity displayed by the English press in particular contributes – in part at least – an implicit explanation of and commentary on the wider failings of the deliberative process, the renewal of that democratic culture must find its basis in the microsocial public spaces that culminate in the 'metatopical' public sphere. A 'top down' argument that seeks to define or impose the content or outcome of discursive encounters would of course be neither deliberative nor democratic. Taylor is however able to outline an interpretive approach according to which a plurality of public spaces can be seen to compose a coherent and differentiated set of public debates undertaken in pursuit of democratic purposes. Rejecting a homogenous model of democratic culture, a 'nested'[28] understanding of public spaces is instead proposed, where the goods, identities and issues that are contested and negotiated in local and particular contexts are seen to feed into and impact upon the wider public sphere, rather than being derivative of or subordinate to the prevailing agenda of a centralised and unresponsive culture. The schematic features of this plural and substantive account of deliberation and democracy in the public sphere are readily identified and philosophically undemanding. The extension and assessment of this theoretical model as a guide to democratic practice also requires consideration of the importance of deliberation for the identity and agency of the self – an area that poses particular difficulties for contemporary liberal political theory in general, and for Justice as Fairness in particular.

[3] Agency and Identity

THE SIGNIFICANCE AND DEMOCRATIC INDEPENDENCE attributed to public space by Taylor is closely connected with its creation in the intersubjective practices undertaken in the public sphere, 'which is constituted by nothing outside of the common action we carry out in it. Its existence as an association is just our acting together in this way.'[29]

27 Where the London based press is predominantly right-wing in orientation; ownership is concentrated in a small number of national and transnational corporations (notably News Corp., The Mirror Group, United Newspapers and Pearson Holdings); and the editorial influence of figures such as Rupert Murdoch and Conrad Black is wielded to serve the interests of capital rather than public debate.

28 Taylor, 'Liberal Politics and the Public Sphere', 208. Debates arising within political parties or social movements (such as environmental, anti-racist and environmental campaigns) that come to engage the concerns of a wider constituency and contribute to the reshaping of debates in the metasocial public sphere are noted as examples this process.

29 Taylor, 'Liberal Politics and the Public Sphere', 194-5.

The efficacy of the public sphere as a constraint on power and a mode of democratic politics is intimately related to the engagement of citizens in collective deliberation. As before, the success or failure of the public sphere in particular circumstances cannot be essayed by theory alone, but drawing upon the resources of philosophical anthropology it is possible to elaborate an account linking deliberative engagement, identity and the culture of democracy in order to illustrate Taylor's account of the public sphere as a plausible and valuable addition to democratic theory.

As a domain of self-rule conceiving citizen participation in deliberative processes as a good in itself,[30] the activities that constitute and reproduce the public sphere do not solely concern democratic opinion formation. A pluralist understanding of the public sphere allows that deliberative engagement can occur, under appropriate circumstances, in a wide variety of forms[31] and just as there is no canonical way of belonging in a thoroughly multicultural society, so there is no definitive or compulsory mechanism of democratic participation. Although the idea of democratic self-rule assumes that 'the people who are sovereign form some kind of unit',[32] the mode of politics envisaged by deliberative theory is a differentiated and multifaceted one, and does not involve the prescription of a universal or general political will. Within this complex whole, successful democratic agency occurs not just in the satisfaction of individual preferences and interests but in the realisation through the deliberative engagement and contestation of the goods and meanings (of identity, difference, recognition, solidarity, freedom, equality, etc.) that are variously associated with the concept of community and realised in its relationships.[33]

The conception of deliberation emerging from this analysis, which attends in detail to the public, practical, democratic and cultural aspects of political engagement is clearly superior to the empty and inadequately contextualised ordering of rational interests and preferences proposed by Rawls.[34] Because decision and action follows unproblematically from the deliberation of an inviolable, prediscursively established self,

30 In that participation is not the means to an end – a conception of justice, or autonomy, for example – but is instead bound up with the very idea of democratic citizenship. As Taylor notes ('Irreducibly Social Goods', 59.) this understanding is closely associated with the 'civic humanist' tradition. As part of a reflexive, pluralist and interpretive account of deliberative processes, however, participation does not function as a monistic good or *summum bonum* : a democratic public sphere realises a plurality of goods and identities that includes that of the active citizen, but is not unduly dominated by it.

31 e.g. in membership of political parties, social movements and other public bodies; in dialogical encounters, be they formal, informal or spontaneous; indirect participation in mediated public debates, and so on.

32 Taylor, 'Liberal Politics and the Public Sphere', 204.

33 Taylor, 'Liberal Politics and the Public Sphere', 205.

34 See Ch 3 § 2 above.

the methodologies of Justice as Fairness present the achievement of agency as a *fait accompli*, and fail to acknowledge the possibility that actions constitute and reconstitute as well as simply reflect identity. As Bowles and Gintis argue, the insight of contemporary liberalism in this area is effectively limited to the banal observation 'that people make decisions' a paucity indicating that 'the liberal conception of action must be reconstructed to recognize that decisions also make people.'[35]

This reconstruction develops an understanding of action as a socially grounded phenomenon in a form that is in large part consistent with Taylor's approach.[36] Rather than taking preferences as given, Bowles and Gintis emphasise the formative and transformative[37] nature of action in relation to the self, and their 'postliberal' democratic theory corrects the myth that the rational interests of the self are straightforward extensions of an already complete, epistemologically and psychologically unified entity. As a social being 'in continual need of definition, validation and recognition through action'[38] their interpretation breaks down the liberal boundary between the public and private (or, for Rawls, 'nonpublic') spheres by emphasising the extent to which identity is simultaneously 'socially conditioned *and* susceptible to development through individual choice. Individuals affect their own *becoming*, as well as that of others, through their actions.'[39]

As its title suggests, *Democracy and Capitalism* offers a political and economic critique of liberal theory and its consequences rather than an explicitly philosophical analysis and reconstruction. The extent to which the conception of agency they advance is compatible with Taylor's approach is notable and far from coincidental. The advantages of an anthropologically informed approach to questions of identity, action, deliberation and pluralism over both traditional (contractarian, utilitarian and deontological) and contemporary (constructivist and procedural) formulations of liberalism are readily apparent. In addressing public and political contexts, Taylor's conceptions of reflexivity and dialogue conceive deliberation as an open rather than closed process, involving a negotiation rather than a simple clash of identities. The availability and quality of a deliberative process is of decisive political importance in the

35 Samuel Bowles and Herbert Gintis, *Democracy and Capitalism: Property, Community and the Contradictions of Modern Social Thought*, 2nd. ed.(New York, Basic Books, 1987) 123, emphasis added.

36 Bowles and Gintis do not directly discuss Taylor's work, but do acknowledge the importance of Sandel's critique. *Democracy and Capitalism*, 214 n.13,228 n.7,230 n.29.

37 For a summary statement of the 'self-transformation thesis, where the privatised liberal self ideally becomes 'more broadly empowered...more public-spirited, more tolerant, more knowledgeable [and] more attentive to the interests of others' see Mark Warren, 'Democratic Theory and Self-Transformation', *American Political Science Review* 86(1992) , 8-13.

38 Bowles and Gintis, *Democracy and Capitalism*, 150.

39 Bowles and Gintis, *Democracy and Capitalism*, 151, emphasis added.

control and accountability of power, and the democratic formulation (where possible) of common political purposes, and is also significant in providing the cultural domains where the identities of communities, social groups and the individuals that comprise them are constituted and articulated through agency in the public sphere.

[4] Interpretation, Pluralism and Power

The critical challenge presented by deliberative conceptions of democracy to rights based liberalism is considerable, and they have predictably attracted considerable critical attention from theorists whose positions are threatened by the emergence of a new philosophical paradigm. Some major objections are briefly noted and addressed below in order to highlight the explanatory and justificatory resources available to a hermeneutic and anthropological account of deliberation.

The first of these criticisms argues that a principle of deliberation is both irrelevant and unrealistic:[40] it fails to attend to the scale, complexity and irretrievably institutional character of modern politics which is systemic and technocratic in structure, and beyond the control deliberative processes. Regardless of its desirability as an ideal, a deliberative approach is an unworkable ideal that marks a retreat by theory from serious engagement with the structural issues facing modern representative regimes. As Benhabib argues, this critical approach is based on a fundamental and unimaginative pessimism regarding the possibilities of politics. The question, she argues, 'is not whether discursive democracy can become the practice of complex societies but whether complex societies are still capable of democratic rule,' and although deliberation does not provide an instant panacea for the problems of democracy, it undeniably offers an approach that is both plausible and politically effective.

The concepts of deliberation and democracy in the public sphere outlined above are not totalising in form; they are not intended to comprehensively replace existing political structures and practices, but instead contribute to the development of the public sphere as a domain of negotiation and opinion formation – rather than merely consumption and preference satisfaction – where otherwise silenced or marginalised identities, aspirations and values can receive public articulation in a cultural process that is neither formal nor institutionalised, but is undeniably political. The dismissal of deliberative engagement fails to appreciate the importance of the indirectly reflexive relationship obtaining between state and society,[41] and of the role performed by the

40 The objections in this vein of systems theorist Niklas Luhmann are noted by Seyla Benhabib, 'Toward a Deliberative Model of Democratic Legitimacy,' in her *Democracy and Difference*, 84-5.

41 See § 2 above.

public sphere as a political form in its own right. Social and economic activities that constitute civil society manifest relationships involving not just equality and identity, but also power, status, domination, interest, class, and so forth. The constitution through agency of a democratic and plural public sphere is therefore intensely political. As Hegel's dialectic of lordship and bondage memorably demonstrated,[42] the intersubjective recognition of free self-consciousness is a discourse of power and equality, and the significance for democratic politics of the dialogical formulation, recognition and articulation of identities should not be underestimated.

The second objection to receive consideration is the more carefully formulated claim that deliberative democracy is unworkable because it requires from the members of the public sphere a strong degree of commonality and communicative rationality, without which 'bitterness and hostility will continue to fester, and policy initiatives will remain uncoordinated and vulnerable.' On this account the fragmentation and citizen alienation that makes the development of effective public spaces so attractive as a position of advocacy ironically undermines the concept of deliberation at the point of inception, as the disorder of democracy 'prevent [it] from responding to the "cure."'[43] Femia's criticism of the standards, constraints and levels of communicative competence required by legitimate deliberative activity is aimed at theorists – such as Dryzek – engaged in the formulation of models indebted to critical theory rather than hermeneutics, and is not directly relevant to Taylor's account of the public sphere. The avoidance by a hermeneutic theorisation of pitfalls encountered by normative approaches to the public sphere is not without significance, however, and the emphasis on intersubjective practices of reflection, evaluation and interpretation also permits an answer – insofar as one is available to theory – to the claim that deliberative arguments are undermined in advance by the fragmentation they seek to alleviate.

Femia is correct in his observation that if discourse involves nothing more than the articulation of established antagonisms, identities, or conflicts of goods, the public sphere will not function in an effective or democratic manner. The scenario envisaged – a public sphere that is adversarial, but not deliberative – has little to commend it, but does not follow automatically from a failure to realise idealised conditions of public discourse. Taylor's reflexive theorisation of identity and public space avoids strong assumptions concerning the content or contexts of identity, offering a normatively undemanding conception of public space. Constituted in the course of intersubjective activity, the quality and responsiveness of the public sphere cannot be guaranteed, but the

42 Hegel, *Phenomenology of Spirit*, §§ 178-196.
43 Joseph Femia, 'Complexity and Deliberative Democracy' *Inquiry* 39 (1997), 397.

interpretation of the concept presented here is clearly not invalidated by its own preconditions. Reflexive hermeneutics does require that the participants in a dialogue are willing to recognise the identities of others as social equals, and to respond to them in kind in the course of collective debate, but these 'conditions' are both underlabouring and fully consistent with the philosophical anthropology developed in chapters four and five.

The satisfactory resolution of questions concerning the content and quality of public spaces can only properly occur in the course of applied interpretation in particular cases, but the ideal of a pluralist, accessible and democratic public sphere, created in dialogues of civil society where identities are formed and negotiated in discourse, is undoubtedly coherent and plausible in both theory and practice. It is the extent to which it can actually be realised in late-modern societies that remains to be established.

[5] Vocabularies and Subjectivities

The advocacy of a substantive, deliberative conception of political engagement and the development of the reflexive, interpretive methodology that supports it does not purport to overturn in their entirety either the practices or the values of liberalism, which are deeply and undeniably embedded in the vocabularies, understandings and forms of life that endure even within increasingly fragmented and atomised polities. A hermeneutic approach does not provide a blueprint for immediate institutional or systemic transformation either, but in offering a critique of the hegemony of deontic and procedural formulations of liberalism it presents a compelling analysis of the problems confronting the prevailing rights based model, and demonstrates the immanent possibility of a more reflexive, responsive and effective relationship between the structures of state and civil society. Guided by the fundamental role played by language and interpretation in human affairs, conceptions of identity, agency, community, deliberation and democracy are coherently linked and politicised in order to pluralise, and ideally precipitate a revival of, the public vocabularies and practices required to sustain processes of democratic will-formation and collective decision making.

The shared meanings and understandings that make communication and social life possible are constantly, and ordinarily imperceptibly, sustained and reproduced in the practices and conversations of social life. The dependent relationship that obtains between use and meaning entails that language is always unfinished, its meanings incomplete and available to deliberative contestation when their clarity or commonality ceases to be experienced unproblematically. In increasingly complex and multicultural late-modern societies the proliferation of goods, identities and meanings, compounded by the reflexivity that is fundamental to the culture of modernity as well as to hermeneutic

methodologies, entails that the occurrence of contested meanings and conflicting identities is an increasingly common one. Of course, not all human goods are compatible or identities reconcilable. A democratic public culture that embodies a commitment to diversity and deliberation can however allow conflicts to be peaceably addressed in political dialogue, rather than privatising or suppressing the multiplicity of the political domain. Where political viewpoints and identities are found to be genuinely incommensurable that condition too might ideally receive productive articulation in the dialogues of the public sphere.

CONCEPTIONS OF THE SELF, no less than the identities they theorise, are shaped in both form and content by the vocabularies in which they are constituted. The language of individual rights and liberties underwrites a different ideal of self and politics to that sustained by conceptions of goods and virtues; an approach for which conceptions of power and domination are constitutive offers a third alternative, and so on. Philosophical argument can assess the various strengths and weaknesses of these vocabularies in the course of interrogation and critique, but it cannot be expected or wished for any single language or theory to dominate or refute alternative viewpoints. Pluralism is as important to the discourses of political theory as it is in the wider public sphere, and in the course of this discussion the methodological advantages of a anthropologically based, reflexive and explicitly pluralist understanding of language and politics have clearly emerged.

A hermeneutic approach offers a situated, intersubjective and expressive conception of the self that avoids the unsustainable attributions and assumptions of procedural and constructivist methodologies. The language-based conception of human relations it conveys does not directly determine political principles or outcomes, instead supporting an expansive account of the contexts and practices of democratic politics which is culturally located, rather than being systematically or institutionally specified. The deliberative ideal outlined in the discussion does not claim to exhaust the concept of the political, but does seek to disrupt the unthinking identification of liberalism, individualism and democracy that prevails in much contemporary political theory and practice. Within this account the orthodoxies of contemporary liberalism can receive clear and substantive articulation, but are not accorded a privileged and unwarranted prediscursive priority.

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